

Washington, Tuesday, December 10, 1910

Rules, Regulations, Orders

TITLE 7—AGRICULTURE CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721-CORN

COMMERCIAL CORN-PRODUCING AREA FOR THE YEAR 1941

Whereas section 327 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows: "Not later than February 1, the Secretary Shall ascertain and proclaim the commercial corn-producing area."

And whereas subsection (b) of section 301 of said act provides in part as follows:

(4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

(B) Whenever prior to February 1 of any

(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial cornproducing area.

And whereas subsection (c) of section 301 of said Act provides:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

And whereas the Secretary of Agri- 1 Agricu culture, having had reason to believe that amended.

certain counties bordering on the commercial corn-producing area as determined under subparagraph (A) of section 301 (b) (4) of said Act, and that certain minor civil divisions in certain counties bordering on such area are producing (excluding corn used for silage) an average of at least 450 bushels of corn per farm and an average of at least 4 bushels for each acre of farm land in the county or in the minor civil division, as the case may be, has caused reasonable investigation to be made to determine such facts with respect to such counties and minor civil divisions and to determine which, if any, of such counties or minor civil divisions are likely to produce corn in such average amounts during the calendar year 1941;

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of such investigation and the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under sections 301 and 327 of said Act:

· § 721.301 Commercial corn-producing area for the year 1941. That the commercial corn-producing area for the year 1941 embraces the following counties of the States specificed, the counties listed under the heading "A" being the counties determined pursuant to subparagraph (A), and the counties listed under the heading "B" being the counties determined pursuant to subparagraph (B), of section 301 (b) (4) of said Act: ²

Illinois

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Adams, Alexander, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Ful-

¹ Agricultural Adjustment Act of 1938, as amended.

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ton, Gallatin, Greene, Grundy, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lako, La Salle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Piatt, Pike, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Will, Winnebago, White, Whiteside, Woodford.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Bond, Cook, Hamilton, Johnson, Marion, Perry, Pope, Saline, Washington, Wayne.

Indiana

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Adams, Allen, Batholomew, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Daviess, Decatur, De Kalb, Delaware, Dubois, Elkhart, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Johnson, Knox, Kosciusko, Lagrange, Lake, La Porte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, St. Joseph, Shelby, Spencer, Starke, Steuben, Sullivan, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, Whitley.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Dearborn, Jennings, Lawrence, Martin, Monroe, Orange, Owen, Pike, Ripley, Scott, Warrick, Washington.

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Adair, Adams, Allamakee, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gor-4885 do, Cherokee, Chickasaw, Clarke, Clay,

Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth,

B. County included in commercial corn area under paragraph 4 (B), section 301 (b). Appanoose.

Michigan

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Branch, Lenawee, Monroe, St. Joseph.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Berrien, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Washtenaw, Wayne.

Minnesota

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Jackson, Kendiyohi; Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Stevens, Swift, Waseca, Watonwan, Wright, Yellow Medicine.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Big Stone, Goodhue, Grant, Hennepin, Houston, Pope, Stearns, Traverse, Wabasha, Washington, Winona.

Missouri

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Andrew, Atchison, Audrain, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Daviess, De Kalb, Dunklin, Gentry, Grundy, Harrison, Holt. Knox, Lafayette, Linn, Livingston, Marion, Mississippi, New Madrid, Nodaway, Pettis, Pike, Platte, Ralls, Ray, St. Charles, Saline, Scott, Stoddard, Worth.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Adair, Bates, Benton, Boone, Callaway, Cape Girardeau, Clark, Cooper, Henry, Howard, Jackson, Johnson, Lewis, Lincoln, Macon, Mercer, Moniteau, Monroe, Montgomery, Pemiscot, Perry, Putnam, Randolph, St. Clair, Schuyler, Scotland, Shelby, Vernon.

Nebrasica

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dawson, Dlxon, Dodge, Douglas, Fillmore, Furnas, Gage, Gosper, Hall, Hamilton, Howard, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, York.

B. Counties included in commercial

corn area under paragraph 4 (B), section 301 (b). Chase, Custer, Franklin, Frontier, Greeley, Harlan, Hayes, Hitchcock, Kearney, Lincoln, Perkins, Redwillow, Sherman.

Ohio

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Huron, Knox, Licking, Logan, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Ottawa, Pauling, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Wayne, Williams, Wood, Wyandot.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Adams, Ashland, Brown, Clermont, Coshocton, Erle, Hamilton, Holmes, Jackson, Lorain, Lucas, Medina, Muskingum, Perry, Richland, Scioto,

South Dakota

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Brookings, Clay, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, Yankton.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Bon Homme, Dauel, Grant, Hamlin, Hanson, Hutchison, Kingsbury, Roberts.

Wisconsin

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Dane, Grant, Green, Lafayette,

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Columbia, Crawford, Iowa, Jefferson, Richland, Sauk, Walworth.

Delaware

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Kent, New Castle.

Kansas

A. Counties included in commercial 301 of said Act provides as follows: corn area under paragraph 4 (A), section 301 (b). Atchison, Brown, Doniphan, Jackson, Marshall, Nemaha, Republic.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b). Anderson, Coffey, Douglas, Franklin, Jefferson, Jewell Johnson, Leavenworth, Linn, Miami, Norton, Osage, Phillips, Pottawatomie, Riley, Shawnee, Smith, Washington.

Kentucku

A. Counties included in commercial corn area under paragraph 4 (A), sec. 301 (b). Ballard, Fulton, Henderson, Hickman, Union.

B. Counties included in commercial corn area under paragraph 4 (B), sec. 301 (b). Carlisle, Crittendon, Daviess, Hancock, Livingston, McLean, Webster.

Maryland

A. Counties included in commercial corn area under paragraph 4 (A), sec. 301 (b). Carroll, Cecil, Frederick, Kent, Montgomery, Queen Annes, Washington.

B. Counties included in commercial corn area under paragraph 4 (B), sec. 301 (b). Baltimore, Caroline, Harford, Howard.

Pennsylvania

A. Counties included in commercial corn area under paragraph 4 (A), section 301 (b). Cumberland, Franklin, Lancaster, Lebanon, York.

B. Counties included in commercial corn area under paragraph 4 (B), section 301 (b): Adams, Berks, Dauphin, Fulton, Perry, Chester. (52 Stat. 31)

Done at Washington, D. C., this 7th day of December 1940. Witness my hand and seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 40-5468; Filed, December 9, 1940; 11:49 a. m.]

PART 721-CORN

CORN ACREAGE ALLOTMENT FOR COMMERCIAL CORN-PRODUCING AREA FOR 1941

Whereas section 328 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

The acreage allotment of corn for any calendar year shall be that acreage in the com-mercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immedi-ately preceding such calendar year, adjusted for abnormal weather conditions and trends for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. * * was determined. 🔹

And whereas subsection (c) of section

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations re-

quired to be made by the Secretary under this Act.

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America. acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under section 328 of said

§ 721.302 Corn acreage allotment for the commercial corn-producing area for 1941. That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1941 shall be 37,300,000 acres. (52 Stat. 202)

Done at Washington, D. C., this 7th day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 40-5469; Filed, December 9, 1940; 11:49 a. m.]

TITLE 17-COMMODITY AND SECU-RITIES EXCHANGES

CHAPTER II—SECURITIES AND **EXCHANGE COMMISSION**

PART 270-INVESTMENT COMPANY ACT OF 1940

FORM FOR INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF OUTSTANDING SECURITIES OF CLOSED-END INVESTMENT COMPANIES

Acting pursuant to the Investment Company Act of 1940, particularly sections 6 (c), 30 (f) and 38 (a) thereof, and deeming such action appropriate to the exercise of the powers conferred and the duties imposed upon it by the Act. appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, the Securities and Exchange Commission hereby amends the third sentence of § 270.30f-1 (Rule N-30F-1), to read as follows:

§ 270.30f-1 Form for initial statement of beneficial ownership of outstanding securities of closed-end investment companies. * * * A report on this form need be filed by an affiliated person of an Five, Section XLI, Selective Service Reginvestment adviser of a registered closedend company only if such person is affiliated by reason of being an officer, director, partner, copartner, or a person directly or indirectly controlling, controlled by, or under common control with such investment adviser.

Effective December 9, 1940. By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 40-5455; Filed, December 9, 1940; 11:12 a. m.]

TITLE 25—INDIANS

CHAPTER I-OFFICE OF INDIAN AFFAIRS

PART 130-ORDER FIXING OPERATION AND MAINTENANCE CHARGES

AMENDMENT OF THE ORDER FIXING OPERA-TION AND MAINTENANCE CHARGES ON THE WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

NOVEMBER 15, 1940.

That part, as indicated above, of the Order of the Secretary of the Interior approved December 10, 1937 (25 CFR 130.86-130.94), fixing operation and maintenance charges on the Wapato Indian Irrigation Project, Washington, is amended to read as follows:

§ 130.86 Charges. In compliance with the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges for assessable lands under the Wapato Project for each calendar year, until further notice, are hereby fixed as follows:

- (a) Minimum Charges. For all tracts in noncontiguous single ownership_
- \$5,00 (b) Flat Rate. Upon all farm units or tracts, for each assessable
- acre__ (c) Storage Operation and Mainte-nance. For all lands with a storage water right, known as "B" lands, in addition to other charges, per acre____

(38 Stat. 583, 39 Stat. 154, 45 Stat. 210; 25 U.S.C. 385, 387)

> OSCAR L. CHAPMAN. Assistant Secretary.

.20

[F. R. Doc. 40-5412; Filed, December 7, 1940; 10:08 a. m.]

TITLE 32—NATIONAL DEFENSE

SYSTEM

[Amendment 3, Selective Service Regs.]

AMENDING THE REGULATIONS SO AS TO PRO-VIDE FOR AUTHORITY FOR CERTAIN INDI-VIDUALS TO TRAVEL

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend Volume ulations, in the following respects:

- 1. Paragraph 530 shall be amended by changing the designation of sub-paragraph "b" to "c", and inserting a new sub-paragraph "b" to read as follows:
- b. The travel of a person serving without compensation in the administration of the Selective Service Law may be specifically authorized by the Governor of his State on General Travel Authority (DSS Form 248) and such person so

authorized may be reimbursed for transportation and traveling expenses incurred while traveling on official business from home to the office of the board to which such person is assigned and return, provided that such reimbursement shall not exceed 5¢ per mile for travel in a privately owned conveyance; provided further that the total amount of reimbursement for transportation and traveling expenses shall not in the case of any such person exceed \$15.00 in any month, except upon specific authority of the Governor by and with the approval of the Director of Selective Service (DSS Form 249).

No reimbursement shall be made for travel occurring wholly within the limits of the municipal corporation in which a person resides. In all other cases no reimbursement shall be made for the first five miles of a trip in a privately owned conveyance. In no event shall reimbursement be made for more than one trip in any one day from a person's home to the office of the board to which such person is assigned and return.

- 2. The new sub-paragraph "c" shall be amended by inserting therein the words "or DSS Form 248" after the words "DSS Form 251", so that said sub-paragraph "c" as amended will read:
- c. DSS Form 251 or DSS Form 248 shall be used to authorize official travel.
- 3. Paragraph 531 shall be amended by inserting after the title and before the words "The amount, etc.", the following words: "Except as provided in Paragraph 530 of these regulations", and by correcting the next word from "The" to "the", so that said paragraph will read as follows:
- 531. Travel and subsistence expense. Except as provided in Paragraph 530 of these regulations, the amount of travel CHAPTER VII—SELECTIVE SERVICE and subsistence expense or the per diem allowance is fixed in Standardized Government Travel Regulations, when not otherwise provided for by law.

C. A. DYKSTRA, Director.

NOVEMBER 13, 1940.

[F. R. Doc. 40-5426; Filed, December 7, 1940; 11:03 a. m.]

[Amendment 4, Selective Service Regs.] AMENDING THE REGULATIONS SO AS TO INCORPORATE ADDITIONAL FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend Volume One, Appendix A, Selective Service Regulations, by substituting a comma for the period at the end of the first sentence of the first paragraph of said Appendix A and adding thereto the following: "247,

¹5 F.R. 3935.

¹⁵ F.R. 3779.

248, and 249."; and by adding to said to amend any forms already printed to of 1940, are adopted as definitions for the Appendix A the following forms: 2 DSS comply with these approved forms. purpose of these regulations: 247, DDS 248, and DSS 249.

> C. A. DYKSTRA. Director.

NOVEMBER 26, 1940.

[F. R. Doc. 40-5428; Filed, December 7, 1940; 11:03 a. m.]

[Amendment 5, Selective Service Regs.]

AMENDING THE REGULATIONS IN SUCH MAN-NER AS TO PROVIDE FOR THE REGISTRATION OF PERSONS EXCEPTED FROM REGISTRA-TION AFTER THE CAUSE THEREFOR CEASES TO EXIST

By virtue of the provisions of the Selective Training and Service Act of 1940, approved September 16, 1940, and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend Volume 2, Section XIV, Selective Service Regulations, by adding thereto the following:

252. Registration of persons, excepted from registration after cause therefor ceases to exist. Persons who were not required to be registered on the registration date fixed by Presidential proclamation, because of the provision of section 5 (a) Selective Training and Service Act of 1940, shall under the provision of section 5 (h) of the Act be required to register with a local board within five days after change of status removing them from the groups set forth in 5 (a) unless they reenlist or reenter one of such services within the said five days; provided, that such persons were between the ages of twenty-one and thirty-six on the date fixed for the first day of their registration or are between such age groups on any subsequent dates fixed for days of their registration.

> C. A. DYKSTRA, Director.

NOVEMBER 27, 1940.

[F. R. Doc. 40-5427; Filed, December 7, 1940; 11:04 a.m.]

ORDER OF APPROVAL OF SPECIAL FORMS TERRITORY OF PUERTO RICO

The Director of Selective Service of the Territory of Puerto Rico having submitted to me forms which local conditions make necessary which are not included in the Selective Service Regulations, together with a statement of the necessity and proposed use thereof, I hereby expressly approve the following forms 2 for use in the Territory of Puerto Rico:

DSS Form 20-DSS Forma Num. 20. DSS Form 23-DSS Forma Num. 23. DSS Form 101-DSS Forma Num. 101.

The Director of Selective Service of the Territory of Puerto Rico is instructed

C. A. DYKSTRA, Director.

NOVEMBER 13, 1940.

[F. R. Doc. 40-5429; Filed, December 7, 1940; 11:04 a.m.]

TITLE 43—PUBLIC LANDS

CHAPTER I-GENERAL LAND OFFICE

[Circular No. 1481]

PART 181-PUBLIC LAND RIGHTS OF SOLDIERS AND SAILORS

RIGHTS OF PUBLIC LAND CLAIMANTS UNDER THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

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181.28 Desert land entrics. 181.29 Mining claims.

Installment payments for land, un-der homestead and other entries. 181.30 181.31 Relief under leaces, permits, li-

censes, etc. Suspensions of leases, permits, 11-181.32 censes, etc.

181.33 Service with allies. Statutes superceded; statute repealed. 181.34

181.35 Part title amended.

§ 181.20 Statutory authority; duration of Act. The Act of October 17, 1940 (Public No. 861), known as the "Soldiers' and Sailors' Civil Relief Act of 1940," extends relief and benefits to persons in the military service, including those set forth in § § 181.21 to 181.35, inclusive, of these regulations. Section 604 of the Act provides that the Act shall remain in force until May 15, 1945 but that should the United States be then engaged in a war, the Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter. It also provides that wherever under any section or provision of the Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date therein fixed for the termination of the Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.*

*§ § 181.20 to 181.35, inclusive, issued under the authority contained in sec. 507 of the Soldiers' and Sallors' Civil Relief Act of 1940.

§ 181.21 Definitions. The following definitions, contained in section 101 of Filed as a part of the original document, the Soldiers' and Sallors' Civil Relief Act months after his entrance into the mili-

(a) The term "persons in the military service" shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy.

(b) The term "military service" shall signify Federal service on active duty with any branch of service above referred to as well as training or education under the supervision of the United States preliminary to induction into the military service and shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(c) The term "period of military service" and equivalent terms, shall include the time between the following dates: For persons in the active service on October 17, 1940, it shall begin with that date; for persons entering the active service after the date mentioned, it shall begin with the date of entering the active service. It shall terminate with the date of discharge from active service or death while in the service, but in no case later than the date when the Soldiers' and Sailors' Civil Relief Act of 1940 ceases to be in force.*

§ 181.22 Claims protected from forfeiture. No right to any public land owned or controlled by the United States, initiated or acquired under any laws of the United States, including the general mining and mineral leasing laws, by any person prior to entering the military service will during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon, or for failure to do any other Act required by or under such laws. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.23 Rights not affected. No public land claimant in the military service will be denied the right to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering the military service. (Sec. 507, Soldiers' and Sailors' Civil Relief Act of 1940)*

§ 181.24 Notice of military service. The claimant must give notice of his military service on Form 4-975, which is attached to and made a part of these regulations, or its substantial equivalent, to the land office for the district in which the land is situated, or, if there is no district land office in the State, to the General Land Office, Washington, D. C., on or before April 17, 1941, or within 6

tary service, in order to obtain the relief and cultivation upon the tract settled or death, his minor children or his or and benefits extended by the Soldiers' and Sailors' Civil Relief Act of 1940, in connection with an application, entry, lease, permit or license, or settlement or other right or claim initiated or acquired under the public land laws prior to entering the military service (except a mining location). The notice should be sent by registered mail, unless it is filed in the proper office personally, by the claimant or his agent. The holder of a mining location must give notice of his military service before the close of the assessment year, which ends at noon of July 1 of each year, in accordance with paragraph (b) of § 181.29. (Secs. 504-507, 509, Soldiers' and Sailors' Civil Relief Act of 1940).*

§ 181.25 Execution of affidavits. A person in the military service may execute any affidavit or submit any proof required by law or the regulations of the General Land Office, in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate-command and holding a commission in the branch of the service in which he is engaged. Such affidavit will be as binding in law, and with like penalties, as if taken before a register of a district land office. (Sec. 507, Soldiers' and Sailors' Civil Relief Act of 1940)

§ 181.26 Rights of minors. Any person under 21 years of age who serves in the military service while the Soldiers' and Sailors' Civil Relief Act of 1940, remains in force, will be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over 21 possess under such laws. Any requirement as to the establishment of residence within a limited time will be suspended as to entry by such person until 6 months after his discharge from the military service. An application for entry by such person may be verified before any officer in the United States or any foreign country whose authority to administer oaths is recognized by the laws of the State or Territory in which the claim is situated. (Sec. 511, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.27 Homesteads. Homestead claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfeiture, as provided in § 181.22:

(a) Credit for military service. Any person having a valid homestead settlement claim, or any person who has made homestead application for public lands which is allowed after the date of the filing thereof, or any homestead entryman whose application has been allowed, who after such settlement, application or entry enters the military service, is entitled, in the administration of the home-

upon or entered, for the period of such service. Moreover, if he is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability will be deducted from the required length of residence, without reference to the time of actual service. No patent will issue, however, until he has resided upon, improved and cultivated his homestead for a period of at least one year. He will be entitled during each year's required residence to a five months' leave of absence, in like manner as any other homesteader.

In order to obtain the credit mentioned, notice of military service must be given in accordance with § 181.24.

(b) Credit for physical disabilities due to military service. Any person entitled to credit for military service who is honorably discharged and because of physical incapacity due to such service is unable to refurn to the land, may make proof, regardless of whether or not one year's residence, improvements and cultivation have been had, without further residence, improvements or cultivation. at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

(c) Farm labor by homesteader during war. During the pendency of any war in which the United States may be engaged while the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, any homestead entryman will be entitled to a leave of absence from his entry for the purpose of performing farm labor. The Act does not authorize such leave of absence, if the United States does not engage in war. The time actually spent in farm labor will be counted as constructive residence, if within 15 days after leaving his entry to engage in such labor the entryman files in the land office for the district in which his entry is situated, or in the General Land Office if there is no district land office in the State, a notice of absence from the land. and if at the expiration of the calendar year the entryman files in the proper office a written statement under oath and corroborated by two witnesses giving the date or dates when he left the entry, the date or dates of his return, and the place where and the person for whom he was engaged in farm labor during the period or periods of his absence.

The above provisions will not excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law, and they will apply only to persons whose applications were allowed or filed prior to October 17, 1940.

(d) Widow, heirs and minor children of homesteader. If any person having a valid settlement claim or a pending or allowed homestead application dies while in the military service or as a stead laws, to have his military service | result of such service his widow, if un- | subject to contest or cancelation for fail-

their legal representatives, may submit final proof without showing further residence, cultivation or improvements. If the deceased claimant had a valid homestead settlement claim for which application had not been filed, a homestead application based thereon must be presented. If the claim is on unsurveyed land, a homestead application can not be presented until the land has been surveyed. In such case, request for survey should be made as promptly as possible, accompanied by a duly corroborated affidavit showing when the settlement claim was made, the periods during which deceased claimant resided upon and cultivated the land, and the facts as to his military service. The death of the claimant while in the military service or as a result of such service will be construed to be equivalent to a performance of all requirements as to residence and cultivation upon the homestead claim. Upon the submission of satisfactory proof, patent will be issued to the person or persons entitled thereto.

(e) Contest of homestead. On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a homestead entry made or applied for prior to the entrance of the entryman into the military service, will be allowed, or adverse proceedings against such entry ordered, on the ground of abandonment, unless there is an allegation therein that the entryman's alleged absence from the land was not due to his military service. No allegation of abandonment will be sustained against a homestead settler or entryman in connection with such contest, unless it is proved at the hearing, if one be had, that the claimant's alleged absence from the land was not due to such military service.

The Register will reject an application to contest a homestead entry on the charge of abandonment, if he finds that it was filed during the period of the entryman's military service, or during any period of hospitalization of the claimant because of wounds received or disability incurred in the line of duty. If any charge other than or in addition to abandonment is made, or if the claimant enters the military service or is hospitalized after the contest application is filed, the proceedings will be suspended for the period of such service or hospitalization. Secs. 501-503, 510, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.28 Desert land entries. Desert land claimants are entitled to the following relief and benefits, in addition to the protection of their claims from forfelture, as provided in § 181.22:

(a) Credit for military service. No desert land entry made or held under the desert land laws prior to the entrance of the entryman or his successor in interest into the military service, will be construed to be equivalent to residence | married, or in the case of her marriage | ure to make or expend the sum of one

on the land or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service or during a period of 6 months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land will be exclusive of his period of service and the six months' period and any such period of hospitalization.

In order to obtain the benefits mentioned, notice of military service must be given in accordance with § 181.24.

(b) Credit for physical incapacities due to military service. Any person who is entitled to credit for military service who is honorably discharged and because of physical incapacities due to his military service and who is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation or payment and receive patent for the land entered or claimed.

(c) Contest of desert land entry. On and after October 17, 1940, and as long as the Soldiers' and Sailors' Civil Relief Act of 1940 remains in force, no application to contest a desert land entry made or applied for prior to the entrance of the claimant into the military service will be allowed, or adverse proceedings against such entry ordered, for failure of the claimant to make or expend the sum of one dollar per acre per year in improvements upon the claim, or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in the military service, or during a period of six months thereafter, or during any period of hospitalization because of wounds or disability incurred in the line of duty, unless there is an allegation therein that the alleged default did not occur during such military service or hospitalization. No allegation of such default will be sustained against a desert land claimant in connection with such contest unless it is proved at the hearing, if one be had, that the alleged default did not occur during such military service or hospitalization, as indicated.

Any contest proceedings involving a desert land entry, brought either before or after the claimant enters the military service, will be suspended for the period of such service and for six months thereafter, and during any period of hospitalization of the claimant because of wounds or disability incurred in the line of duty. (Secs. 501, 504, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.29 Mining claims. The relief and benefits extended because of military service and the requirement as to notice of such service, made by section 505 of the Soldiers' and Sailors' Civil Relief | Land Office, in accordance with Section 181.24. | be given in accordance with § 181.24.

dollar per acre per year in improvements | Act of 1940, in connection with mining | be due upon the same day of the year claims, are as follows:

> (a) Claims protected from forfeiture. The provisions of section 2324 of the Revised Statutes, which require that on each mining claim located after May 10. 1872, and until patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year, will not apply during the period of the claimant's military service, or until 6 months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in the line of duty, to claims or interests in claims which are owned by such person and which have been regularly located and recorded. No mining claim nor any interest in a claim which is owned by such a person and which has been regularly located and recorded will be subject to forfeiture for nonperformance of the annual assessment labor during the period of such military service, or until 6 months after the termination of such service, or of such hospitalization.

(b) Notice of military service. The holder of a mining location who desires to obtain the relief and protection mentioned in paragraph (a) of this section, must, before the expiration of the assessment year during which he enters the military service, file or cause to be filed in the county recording office in which the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold the mining claim under section 505 of the Soldiers' and Sailors' Civil Relief Act of 1940. The notice may be given on Form 4-975,1 which is attached to and made a part of these regulations. (Secs. 505. 509, Soldiers' and Sailors' Civil Relief Act of 1940)2*

§ 181.30 Installment payments for land, under homestead and other entries. Where under the law under which a particular entry was made, installment payments for the land become due during the period of the military service, such period will not be considered a part of the aggregate period of time originally allowed for the completion of such payments and the time for the making of the payments will be appropriately extended. Where the term of the military service is one year or less, the time of payment of each installment maturing during or after such term will be extended for one year: where the term of service is between one and two years, the extension will be for two years; and similar extensions will be granted for longer terms of service. The payment so extended will

as is now required and no interest will be charged during the period of the suspension. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.31 Relief under leases, permits, licenses, etc. No mineral or grazing lease, or any mineral, timber or other permit or license, or any application for such lease, permit or license, or any right or claim which has been applied for or acquired under the public land laws by any person prior to entering the military service, will, during the period of such service, be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or to make any improvements thereon, or his failure to do any other act required by or under such laws.

Where during the period of the military service, the claimant or his agent continues to operate or to make use of the land in accordance with the terms of the lease, permit or other right, the rentals, royalties and other obligations will become due and payable as provided by such instrument. If in a particular case the ability of the claimant to make such payment has been affected materially by reason of his military service, a showing of the facts may be made in affidavit form and such relief as may be deemed appropriate will be granted. (Sec. 501, Soldiers' and Sailors' Civil Relief Act of 1940)*

§ 181.32 Suspensions of leases, permits, licenses, etc. The regulations in this section for the suspension of leases, permits, licenses, etc. are based on the general protection accorded all claims, contained in section 501 of the Soldiers' and Sailors' Relief Act of 1940, the specific authority for the suspension of leases and permits issued under the Federal mineral leasing laws, contained in section 506 of the Act, and the general authority conferred on the Secretary of the Interior to issue rules and regulations, contained in section 507 of the Act.

Any person having a mineral lease or permit, a grazing lease, or any lease, permit, license or other right involving the public lands, under the administration of the General Land Office, including claims the suspension of which is not specifically authorized by any section of the Act, who enters the military service may, at his election, suspend all operations under such instrument for a period of time equivalent to the period of his military service and 6 months thereafter. The term of the lease or permit will not run during the period of such suspension, no rentals or royalties for the period of the suspension will be charged, and no use of the land during such period by the claimant or his agent under such instrument may be made.

In order to obtain the benefits mentioned, notice of military service must

¹ Filed as a part of the original document.
2 If application for patent to the mining claim has been made, notice of the military service must also be filed in the proper district land office, or if there is no such offica in the State, it must be filed in the General

The suspension of a lease, permit, license, etc. will not be construed to supersede the terms of any contract for the operation thereof. (Secs. 501, 506, 507, 509, Soldiers' and Sailors' Civil Relief Act of 1940)*

§ 181.33 Service with allies. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which it engages while the Soldiers' and Sailors' Civil Relief Act of 1940 is in force, will be entitled to the relief and benefits afforded thereby, if such service is similar to military service as defined in such Act and in § 181.21, and if they are honorably discharged and resume United States citizenship, or die in the service of the allied forces, or as a result of such service. (Sec. 512, Soldiers' and Sailors' Civil Relief Act of 1940) *

§ 181.34 Statutes superseded; statute repealed. Section 605 of the Soldiers' and Sailors' Civil Relief Act of 1940 makes the provisions of section 4 of the joint resolution approved August 27, 1940 (Public Resolution No. 96, 76th Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, inapplicable to any military service performed after October 17, 1940. Paragraph 3 of section 503 of the act first mentioned repeals the Act of July 28, 1917 (40 Stat. 248). (Secs. 503, 605, Soldiers' and Sailors' Civil Relief Act of 1940) 3*

§ 181.35 Part title amended. In view of the regulations herein added to Part 181, entitled "Soldiers' and Sailors' Homestead Rights," the title of that part is hereby amended to read, "Public Land Rights of Soldiers and Sailors."*

Fred W. Johnson, Commissioner.

Approved: November 23, 1940 HAROLD L. ICKES, Secretary of the Interior.

[F. R. Doc. 40-5425; Flied, December 7, 1940; 10:11 a. m.]

³ Section 4 of Public Resolution No. 96 of August 27, 1940, extended the benefits of certain provisions of the Soldiers' and Sailors' Civil Relief Act of March 8, 1918 (40 Stat. 440–448), including section 501, to all National Guard, Reserve and Retired Personnel, ordered into the military service under authority of its provisions, so long as such personnel are in such service and for 60 days thereafter.

Section 13 of the Selective Training and Service Act of 1940, extended the same benefits to persons who are inducted into the land or naval forces under the authority of its provisions and to all members of any reserve component of such forces then or thereafter on active duty for a period of more than one month.

more than one month.

The Act of July 28, 1917 (40 Stat. 248), extended certain relief to homestead entrymen or settlers who enter the military or naval service of the United States in time of war. The Soldiers' and Sailors' Civil Relief Act of 1940 extends substantially the same relief to those who are entitled to its benefits.

TITLE 50-WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES \

PERMITTING AND GOVERNING THE TRAPPING OF MUSKRATS AND MINKS IN THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650; 16 U.S.C. 726), as amended, and section 401 of the act of June 15, 1935, 49 Stat. 383; 16 U.S.C. Sup. 715s, the administration of which acts was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1433), and in accordance with the joint regulations of September 27, 1934,1 for the administration of the Upper Mississippi River Wildlife and Fish Refuge, the following regulations are made for the trapping of muskrats and minks in certain parts of the refuge situated in the States of Illinois, Iowa, Minnesota, and Wisconsin.

§ 24.919c Regulations permitting and governing the trapping of muskrats and minks within the Upper Mississippi River Wildlife and Fish Refuge. Until further notice muskrats and minks may be taken under permit on and in such lands and waters of the Upper Mississippi River Wildlife and Fish Refuge in Illinois, Iowa. Minnesota, and Wisconsin as the Director of the Fish and Wildlife Service shall determine to open to trapping under the supervision of the superintendent of said refuge during the periods determined by the Director to be commensurate with the best interests of wildlife management on the refuge and with the conservation of fur resources in the respective States when, in manner, by means, and to the extent not prohibited by State laws or regulations and subject to the following special provisions, conditions, restrictions, and requirements:

(a) Trapping permits. (1) Any person exercising the privilege of trapping within the refuge shall be in possession of a valid trapping license issued by the State in which trapping is to be done, if such license is required, and must possess a valid trapping permit issued by the superintendent of the refuge. He shall carry such license and permit on his person while trapping, and when requested to do so, shall exhibit his license and permit to any State warden or to any officer or employee of the Department of the Interior authorized to enforce the game and fish laws of the respective States and of the United States. The superintendent of the refuge may issue the permits for the trapping of muskrats and minks as herein authorized to qualified persons, but no person shall be eligible to receive more than one such permit for any one trapping season.

- (2) Verified statement of residence; State trapping license. Each applicant for a trapping permit must have been for the period of six months last past a bona fide resident within or in the vicinity of the refuge, as well as of the State in which he proposes to trap, and upon application he shall exhibit to the superintendent or his representative a valid trapping license of such State and shall make a sworn statement concerning his period of residence in the civil township, village, or city in which he claims residence.
- (3) Provisions of permit; suspension of trapping. Each permit shall state the period during which trapping thereunder may be performed and the maximum number of traps that may be used, and shall reserve the right of the Director of the Fish and Wildlife Service to suspend trapping thereunder upon three days' notice through the superintendent, should the Director determine that continued trapping would be detrimental to refuge or wildlife interests. Thereupon all outstanding permits for trapping muskrats and minks on the area or areas affected shall become null and void.
- (4) Trap tags and fees; limitations. Each permittee authorized to trap within the Upper Mississippi River Wildlife and Fish Refuge will be required to obtain from the superintendent of the refuge or his authorized representative an appropriate tag for each trap used on said refuge, which tag shall be securely attached to the trap in a manner that will permit of convenient examination. A fee of 10 cents will be charged for each tag furnished by the superintendent or his representative, and no one permittee shall be issued more than 50 such original tags. No refund will be made for any unused tag. Upon satisfactory proof that an original tag has been lost or stolen through no fault of the permittee, the superintendent may issue a duplicate tag upon payment by the permittee of a fee of 10 cents.
- (b) Approved traps; trap inspection and removal; plant life protected. Muskrats and/or minks may be taken on the refuge only with ordinary spring steel traps not larger than No. 11/2 or with other traps the use of which is approved by the superintendent or his authorized representative. Each permittee shall visit and inspect each of his traps within the refuge at least once every twenty-four hours but only between onehalf hour before sunrise and sunset, and shall at the close of the trapping season take up and remove all his traps from the refuge. Permittees may not cut on the refuge any growth except willows for use as trap stakes or drags.
- (c) Prohibited methods and acts. The possession or use within the boundaries of the refuge of a muskrat spear or any other similar device that does not com-

¹⁵⁰ CFR 24.919(a); S.R.A.-B.S. 80.

lations or of any untagged trap is pro- made for the trapping and disposition of termine to open to muskrat trapping, hibited, and any untagged or illegal traps or other illegal devices found on the refuge may be seized by the superintendent or his representative. No person shall hunt muskrats and/or minks with a gun or with the aid of a dog, or disturb or molest any mink den, muskrat house, beaver house, or beaver dam, or set a trap within 3 feet of any muskrat house or feeding house or within 100 feet of any beaver house or beaver dam. No person shall run a trap line between sunset and one-half hour before sunrise.

(d) Disposition of unauthorized animals. Birds and mammals other than muskrats and minks found alive in the traps of the permittee shall be immediately liberated. Birds and mammals other than muskrats and minks found dead or mortally injured in the traps shall immediately be turned over to the superintendent or his representative.

(e) Reports required. Each permittee not later than 30 days after the close of the open trapping season shall submit to the superintendent a report in which are correctly stated the total number of muskrats and/or minks taken in each county on the refuge under permit during the season, the name and address of each person or firm to whom the pelts thereof were disposed of, the number of pelts disposed of to each such person or firm, and the gross amount received therefor.

(f) Penalties. Failure of a permittee to comply with any of the above provisions or the violation by him of any of the regulations issued under authority of the act of June 7, 1924, establishing said refuge, or of any State law or regulation applicable to trapping on said refuge, not only shall render him subject to prosecution under said laws and regulations but may be sufficient cause for refusal of future permits to trap on the refuge or for refusal of any other use or privilege on the refuge for which a permit may be required by regulations.

E. K. BURLEW. Acting Secretary of the Interior. NOVEMBER 30, 1940.

[F. R. Doc. 40-5419; Filed, December 7, 1940; 10:10 a. m.]

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

PERMITTING TRAPPING OF MUSERATS ON THE BLACKWATER NATIONAL WILDLIFE REFUGE, MARYLAND

Under authority of section 401 of the Act of June 15, 1935, 49 Stat. 383, 16 U.S.C. Sup. 715s, and of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224, 16 U.S.C. 715i), the administration of which acts was transferred to the Secretary of the Interior on July 1, 1939, by

ply with the requirements of these regu- 1431), the following regulations are into such trapping units as he shall demuskrats on the Blackwater National Wildlife Refuge, Maryland:

> § 27.80 Order permitting and regulating the trapping of musicrats within the Blackwater National Wildlife Refuge, Maryland. Until further notice muskrats may be taken on and in the lands and waters of the Blackwater National Wildlife Refuge, Maryland, under the general direction of the officer in charge of the refuge when, in manner, by means, and to the extent not prohibited by State law or regulations, and subject to the following provisions, conditions, restrictions, and requirements:

> (a) Disposition of muskrats and employment of trappers, inspectors, and others. All muskrats taken on the Blackwater National Wildlife Refuge in accordance with these regulations may be used by the Service for research purposes, or may be disposed of upon such terms and conditions as the Secretary of the Interior may determine to be for the best interests of the Government, or they may be sold by the Fish and Wildlife Service in the open market at the best prices obtainable; and any necessary expenses incurred in the taking and disposition of said muskrats including the compensation to be paid all trappers, inspectors, assistant inspectors, fur handlers, and laborers shall be paid from funds received from the sale or other disposition of said muskrat skins and carcasses.

> There shall be employed by the Fish and Wildlife Service for the purpose of taking muskrats within the limits of the Blackwater National Wildlife Refuge, (1) trappers who shall be paid on a fee basis for the pelt of each muskrat trapped, and (2) such inspectors, assistant inspectors, fur handlers, and laborers as may be necessary in the discretion of the Director of the Fish and Wildlife Service to supervise and inspect all trapping operations, and to skin, dry, stretch, pack, ship, and sell or otherwise dispose of all muskrat skins and carcasses. The amount of the fee to be paid trappers for each classification of pelt shall be determined by the Director: however. trappers shall furnish at their own expense traps and other equipment which in the determination of the Director are necessary for the proper performance of their duties. The compensation of inspectors, assistant inspectors, fur handlers, and laborers shall be fixed on an hourly, daily, monthly, or yearly basis at such rates as are determined under usual departmental procedure to be consistent with the duties and responsibilities of the respective positions. Such inspectors and assistant inspectors shall be deputized by departmental appointments to enforce the laws and regulations applicable to the refuge.

(b) Designation of trapping areas.

and shall determine the maximum number of muskrats that may be taken within each unit and the period during which such trapping operations may be conducted as herein provided. The Director may in his discretion, if local conditions warrant, reduce the maximum number of animals that may be taken in any unit, or he may suspend trapping in any or all units of the refuge.

(c) Assignment of trapping units. Assignment of not more than one trapper to each approved trapping unit shall be made by the officer in charge, and if the trapper's work is satisfactory, he may be reemployed in the same unit from year to year, or assigned to a different unit.

(d) Duties of trappers and other employees. Upon the assignment of a unit to a trapper, it shall be his duty to trap muskrats only within his unit in accordance with instructions of the officer in charge covering the number of muskrats to be taken and the time and conditions under which such trapping shall be carried on. Each trapper must register with the assistant inspector in charge of his trapping unit each day before entering the refuge for the purpose of trapping, and on leaving the refuge, the trapper shall deliver to the assistant inspector all animals trapped by him and shall receive a receipt signed by both individuals that shall specify the number and classification of the muskrats so delivered. This receipt, after verification by the inspector or the officer in charge of the number and classification of animals delivered, shall be the basis of the preparation and certification of the pay rolls of the trappers. Assistant inspectors, under the supervision of the inspectors, shall be responsible for all trapping. activities within the trapping units assigned to them for supervision. Under the direct supervision of the officer in charge, the inspectors shall be responsible for the coordination and general supervision of all trapping activities and for the supervision of the skinning, cleaning, stretching, drying, and preparing for market of all muskrat skins and carcasses.

- (e) Research. The Fish and Wildlife Service shall gather and keep all necessary records and information concerning the number, sex, and other classifications and grades of pelts and carcasses of the muskrats taken within the refuge, the preparation of the hides and carcasses for marketing, and the sale prices, and shall compile such other information as may be required for the advancement of knowledge and the dissemination of information with respect to the management of fur resources.
- (f) State trapping laws. Each person employed hereunder to trap muskrats on the refuge shall obtain at his own expense and be in possession of a valid trapping license issued by the State of Maryland, Reorganization Plan No. II (53 Stat. The Director shall subdivide the refuge if such license is required. This license

shall be carried on the person of the written notice terminate the right of the delivery of such request, then the Conlicensee while trapping within the refuge and must be exhibited upon the request of any representative of the State Game and Inland Fish Commission authorized to enforce the State game laws or of any representative of the Department of the Interior, engaged in the administration or the prices stipulated herein for articles enforcement of laws or regulations applicable to the refuge.

(g) Entry to refuge. Ingress to and egress from the refuge shall be at the points designated by suitable posting by the officer in charge.

E. K. BURLEW. Acting Secretary of the Interior. NOVEMBER 29, 1940.

[F. R. Doc. 40-5418; Filed, December 7, 1940; 10:09 a. m.]

Notices:

WAR DEPARTMENT.

[Contract No. W 535 ac-16007]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: CURTISS-WRIGHT CORPORA-TION, ST. LOUIS AIRPLANE DIVISION

Contract for: * Airplanes, Spare Parts and Data.

Amount: \$9,470,004.

Place: Materiel Division, Air Corps, U. S. Army, Wright Field, Dayton, Ohio. The supplies and services to be, obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01____ \$8,680,837 AC 28 P 82-3037 A 0705-01_____

This Contract, entered into this 20th day of September 1940.

ARTICLE 1. Scope of this contract. The contractor shall furnish and deliver to the Government all of the airplanes, spare parts and data as set forth more particularly in Article 16 hereof, for the consideration stated not to exceed Nine Million Four Hundred Seventy Thousand Four Dollars and No Cents (\$9,470,004.-00), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5, Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the

contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified. payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. Articles and supplies called for and payments therefor. The Contractor shall furnish and deliver to the Government all of the following airplanes, spare parts and data at the prices hereinbelow indicated:

Item 1. * * * Airplanes, total_____tem 2. Certain spare parts \$8,680,837,00 Item 2.

789, 167, 00

covering the airplanes at no

Partial payments will be made as the work progresses at the end of each calendar month or as soon thereafter as practicable on authenticated statements of expenditures of the Contractor approved by the Contracting Officer.

The Government shall furnish to the Contractor for installation in the airplanes called for under the terms of this contract all materials, equipment and supplies listed in Contractor's Detailed Specification Report No. 25-251, hereinbefore referred to, and elsewhere listed in this contract as being furnished by the Government.

ART. 23. Advance payments. Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

ART. 24. Plant facilities contingency. It is understood and agreed that certain plant facilities in addition to those now available to the Contractor will be required by the Contractor to enable him to comply with the delivery schedules contained in this contract. If an agreement satisfactory to the Contractor, providing for the construction or acquisition of such facilities, is not entered into and, if required, approved on or before * * * then and in such event negotiations shall, at the written request of the Contractor, delivered to the Contracting Officer, be entered into by and between the Contractor, and the Contracting Officer for the amendment of such delivery schedules. If no agreetime specified in Article 1, or any exten-sion thereof, the Government may by within * * * days from the date of Amount, \$4,727,5

tractor shall have the right, at any time thereafter and prior to the execution and approval, if required, of an agreement providing for the facilities required as hereinbefore stated, to demand in writing of the Contracting Officer that the Government terminate this contract upon the terms and conditions stated in Article 26 hereof, and the Government agrees in such event to so terminate. It is likewise understood and agreed that the delivery schedule contained herein is contingent upon the availability of the facilities, hereinbefore referred to.

ART. 25. Price adjustment. The contract prices stated in this contract for airplanes and spare parts are subject to adjustments for changes in labor and material costs.

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of airplanes and spare parts:

ART. 26. Termination when contractor not in default. If, in the opinion of the Contracting Officer upon the approval of The Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the contractor.

It is expressly understood and agreed by both parties hereto that the contractor hereby agrees:

To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 8 per centum of the total contract prices. of such contracts within the scope of the law as are completed by the particular contracting party within the income taxable year.

ART. 36. Title to property where partial payments are made. The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

ART. 38. Fire insurance. The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made,

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940.

> NEAL H. MCKAY. Major, Quartermaster Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 40-5423; Filed, December 7, 1940; 10:11 a. m.]

[Contract No. W 535 ac-16043 (3801)] SUMMARY OF CONTRACT FOR SUPPLIES CONTRACTOR: CONTINENTAL MOTORS CORPORATION

Contract for: * Aeronautical Amount, \$4,727,542.82.

U. S. Army, Wright Field, Dayton, Ohio. paragraph (1) of this Article:

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover cost of same:

AC 34 P 12-3037 A 0705-01___ \$2,701,453.04 AC 26 P 81-3037 A 0705-01___ 2,026,089.78

This Contract, entered into this 21st day of September 1940.

ARTICLE 1. Scope of this contract. The contractor shall furnish and deliver to the Government all of the articles and data as set forth more particularly in Article 16 hereof, for the consideration stated: Four Million Seven Hundred Twenty Seven Thousand Five Hundred Forty Two Dollars Eighty Two Cents (\$4,727,542.82), in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

ART. 2. Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and -without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

ART. 5. Delays—Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

ART. 8. Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

ART. 16. Articles and data called for. The Contractor shall furnish and deliver to the Government all of the following articles, to-wit:

Item 1. * * * Aeronautical Engines. Item 2. The Contractor shall likewise furnish and deliver to the Government, but without additional cost therefor, the mated cost of construction project:

- * * * Vandykes of bill of material. Vandykes of drawings and data lists.
 - * * Handbook of Instructions.

ART. 20. Advance payments. Advance Payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the National Defense.

ART. 24. Option. The Government is granted the right and option at any time within * * * days after date of approval of this contract to increase the quantity of aeronautical engines called for under paragraph (1) of Article 16 hereof.

ART. 25. Termination when contractor not in default. If, in the opinion of the Contracting Officer upon the approval of The Secretary of War, the best interests of the Government so require, this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the Contracting Officer to the contractor.

It is expressly understood and agreed by both parties hereto that the contractor hereby agrees:

To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 12 per centum of the total contract prices, of such contracts within the scope of the law as are completed by the particular contracting party within the income taxable year.

ART. 31. Price adjustment. The contract prices stated in this contract for Engines are subject to adjustments for changes in labor and material

It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the * Engines and Spares.

This contract authorized under provisions of Paragraph 4g (1), AR-5-420.

> NEAL H. MCKAY. Major, Quartermaster Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 40-5424; Filed, December 7, 1940; 10:11 a. m.]

[Contract No. W. 6973 qm-1: O. I. No. 1-41] SUMMARY OF COST-PLUS-A-FIXED-FEE FOR ARCHITECT-ENGINEER SERVICES

ARCHITECT-ENGINEER: LAWRENCE AND ALLYN, 918 FAILING BUILDING, FORTLAND, OREGON

Amount fixed fee: \$15,030.00; esti-

Place: Materiel Division, Air Corps, Aeronautical Engines called for under | ect: construction of a cantonment camp, including buildings, temporary structures, facilities, utilities and appurtenances thereto; location: Portland, Oregon; type of service: Architectural-Engineering.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to, Procurement Authority No. QM 9124 P1-3211 A 0540.063-N the available balance of which is sufficient to cover the cost of same.

This Contract, entered into this 31st day of October 1940.

Description of the work. The Architect-Engineer shall perform all the necessary services provided under this contract for the following described project: Construction of a cantonment camp, including necessary buildings at Portland, Oregon and estimated to cost \$1,127,026.00.

Data to be furnished by the Government. The Government shall furnish the Architect-Engineer available schedules of preliminary data, layout sketches, and other information respecting sites, topography, soil conditions, outside utilities and equipment as may be essential for the preparation of preliminary sketches and the development of final drawings and specifications.

Fixed-fee and reimbursement of expenditures. In consideration for his undertakings under the contract, the Architect-Engineer shall be paid the following:

A fixed fee in the amount of Fifteen Thousand Thirty and No/100 Dollars (\$15,030.00) which shall constitute complete compensation for the Architect-Engineer's services.

Reimbursement for the following expenditures:

The actual cost of expenditures made by the Architect-Engineer under the provisions of Article IV and Article VII of this contract, subject to the provisions of paragraph 1 b. (2) above.

Payments shall be made on vouchers approved by the Contracting Officer on standard forms, as soon as practicable after the submission of statements, with original certified payrolls, receipted bills for all expenses including materials, supplies and equipment, and all other supporting data and the amount of the Architect-Engineer's fixed fee earned.

All drawings, specifications, and blue prints are to become the property of the Government on completion of payments.

Changes in scope of project. The Contracing Officer may at any time, by a written order, make changes in the scope of the work contemplated by this contract.

Termination for cause or for convenience of the Government. The Governfollowing engineering data covering the \$1,127,026.00; type of construction proj- ment may terminate this contract at any writing from the Contracting Officer to the Architect-Engineer.

This contract is authorized by the following laws:

Public No. 703-76th Congress, approved July 2, 1940.

Public No. 309-76th Congress, approved August 7, 1939.

> NEAL H. MCKAY, Major, Quartermaster Corps, Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 40-5421; Filed, December 7, 1940; 10:10 a. m.]

[Contract No. W 6973 gm-2 (O. I. No. 41-2)]

SUMMARY OF COST-PLUS-A-FIXED-FEE CONSTRUCTION CONTRACT

CONTRACTOR: HAUSER CONSTRUCTION COM-PANY, (203 MULTNOMAH HOTEL), GEORGE H. BUCKLER COMPANY, (901 LEWIS BUILD-ING), AND NATT M'DOUGALL COMPANY, (552 SHERLOCK BUILDING), PORTLAND, OREGON

Fixed-fee: \$55,200.00; contract for: Construction of a cantonment camp, including necessary buildings, temporary structures, utilities and appurtenances thereto; place: Portland, Oregon; estimated cost of project: \$1,071,826.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover the cost of the same: QM 9125 P1-3211 A 0540.063-N(1st Supplemental)

The Contract, entered into this 2nd day of November 1940.

Statement of work. The Contractor shall, in the shortest possible time, furnish the labor, materials, tools, machinery, equipment, facilities, supplies not furnished by the Government, and services, and do all things necessary for the completion of the following work; Construction of a cantonment camp, including necessary buildings at Portland, Oregon.

It is estimated that the total cost of the construction work covered by this contract will be approximately One Million Seventy-One Thousand Eight Hundred Twenty-six dollars (\$1,071,826.00), exclusive of the Contractor's fee.

In consideration for his undertaking under this contract the Contractor shall receive the following:

- (a) Reimbursement for expenditures as provided in article II.
- (b) Rental for Contractor's equipment as provided in article II.
- (c) A fixed fee in the amount of Fifty-Five Thousand Two Hundred Dollars (\$55,200.00) which shall constitute com- proved August 7, 1939.

time and for any cause by a notice in | plete compensation for the Contractor's | services, including profit and all general proved July 2, 1940. overhead expenses.

> The Contracting Officer may, at any time, by a written order and without notice to the sureties, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

> The title to all work, completed or in the course of construction, shall be in the Government. Likewise, upon delivery at the site of the work or at an approved storage site and upon inspection and acceptance in writing by the Contracting Officer, title to all materials, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed under article II, shall vest in the Government.

Reimbursement for cost. The Government will currently reimburse the Contractor for expenditures made in accordance with article II upon certification to and verification by the Contracting Officer of the original signed pay rolls for labor, the original paid invoices for materials, or other original papers. Generally, reimbursement will be made weekly but may be made at more frequent intervals if the conditions so war-

Rental for contractor's equipment. Rental as provided in article II for such construction plant or parts thereof as the Contractor may own and furnish shall be paid monthly upon presentation of proper vouchers.

Payment of the fixed-fee. The fixedfee prescribed in article I shall be compensation in full for the services of the Contractor, including profit and all general overhead expenses. Ninety percent (90%) of said fixed-fee shall be paid as it accrues, in monthly installments based upon the percentage of the completion of the work as determined from estimates made and approved by the Contracting Officer. Upon completion of the work and its final acceptance, any unpaid balance of the fee shall be paid to the Contractor.

Termination of contract by Government. Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence. or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government to cease work under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

This contract is authorized by the following laws:

Public No. 309-76th Congress, ap-

Public No. 703-76th Congress, ap-

NEAL H. MCKAY, Major, Quartermaster Corps. Assistant to the Director of Purchases and Contracts.

[F. R. Doc. 40-5422; Filed, December 7, 1940; 10:10 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. A-132, A-223, A-266, A-168, A-171, A-178, A-205, A-230, A-242, A-246, A-260, A-283, A-287, A-362]

PETITIONS OF DISTRICT BOARDS 1, 8, 13, 8, 13, 6, 19, 8, 4, 8, 2, AND 4, RESPEC-TIVELY, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED. PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF CONTINUANCE OF HEARING IN DOCKETS NOS. A-178 AND A-283 AND ORDER OF CONSOLIDATION

A motion having been duly filed with this Division by District Board No. 8 praying that the hearings in Dockets Nos. A-178 and A-283, originally scheduled for December 2, 1940, be postponed to December 9, 1940; and

The Director having issued orders of consolidation, notices of and orders for hearing and granting temporary relief in Dockets Nos. A-132, A-223 and A-266; and

The Director having issued notices of and orders for hearings and granting temporary relief in Dockets Nos. A-158, A-171, A-205, A-230, A-242, A-246, A-260, A-287 and A-362;

It is ordered, That the hearings in Dockets Nos. A-178 and A-283 be, and they hereby are, continued to 10 o'clock in the forenoon on December 9, 1940 at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearings will be held.

It is further ordered, That all the above-entitled dockets be consolidated for the purposes of hearing and for such other purposes as the officer designated to preside at such hearing may deem appropriate.

And it is further ordered. That any evidence which may be received at the hearing in Docket Nos. A-178 and A-283 on December 2, 1940, shall be included and made a part of the above-mentioned consolidated hearing.

Dated: December 2, 1940,

H. A. GRAY. Director.

[F. R. Doc. 40-5410; Filed, December 6, 1940; 2:41 p. m.l

[Docket No. FD-A-1]

PETITION OF DISTRICT BOARD NO. 11 FOR RELIEF IN RESPECT TO COMPETITION BETWEEN DISTRICT NO. 11 CODE MEM-BERS AND VARIOUS VENDORS OF EXISTING STOCKS OF COAL ON DOCKS LOCATED ON LAKE SUPERIOR AND LAKE MICHIGAN, AND RELATED MATTERS, PURSUANT TO SEC-TION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER EXTEND-ING TEMPORARY RELIEF TO NORTH WEST-ERN FUEL COMPANY

On October 9, 1940, the Director issued an order in the above-entitled matter, granting temporary relief to the original petitioner and to intervener Carter Coal Company, which had specifically prayed that any relief accorded to the original petitioner be likewise extended to it as an intervening party similarly affected by the circumstances of which the original petition complained. That order specifically provided that any persons eligible to be-come parties in the above-entitled matter, or to appear therein as interested persons, including specifically registered distributors, might file an application, supported by a reasonable showing of necessity, for the extension to them of the same relief.

On November 29, 1940, an application requesting such relief was filed with this Division by North Western Fuel Company, an operator of docks in Superior and Milwaukee, Wisconsin, a Registered Distributor (Reg. No. 6897) under the Act and the Division's Rules and Regulations for the Registration of Distributors (hereinafter referred to as the "Appli-

The Applicant is engaged in the business of reselling coal stored on its docks and competes with other coals sold in Market Areas 42, 43, 45, and 46. Under the pertinent provisions of the Act, the Director's Findings of Fact and Conclusions in General Docket No. 12, the Rules and Regulations for the Registration of Distributors, the Director's Rulings concerning the observance of the minimum prices by distributors who operate docks. and the Director's Memorandum Opinion accompanying the aforesaid Order of October 9, 1940, in the above-entitled matter, the Applicant is bound to observe and maintain the Effective Minimum Prices as to all bituminous coal sold or delivered after October 1, 1940. Its situation in respect to the competition of coal stored on docks in Market Areas 42. 43, 45, or 46, prior to October 1, 1940, by unregistered distributors, who are not subsidiaries, affiliates, or subject to the control of code members, and as to whom no specific sanctions for violations of the Effective Minimum Prices are after the "request," the "request" is auto-

in District 11 or intervener Carter Coal Company. It thus appears that Applicant is eligible to appear as an interested person in the above-entitled matter and that there is a reasonable necessity for the extension to it of the same temporary relief granted to the original petitioners and to intervener Carter Coal Company.

Accordingly, in order to retain business which it enjoys and which is threatened by the competition of coal stored, prior to October 1, 1940, on docks in Market Areas 42, 43, 45, or 46, by an unregistered distributor, who is not a subsidiary, affiliate, or subject to the control of a code member, Applicant may on or before 3:30 p. m. of any business day except Saturday, and on or before 11:00 a. m. Saturday, telegraph to the Statistical Bureau for District 10 (located at 1186 Merchandise Mart, 222 West North Bank Drive, Chicago, Illinois) a "request" for a reduction, not to exceed 50 cents, in the Effective Minimum Prices for a specified size and quality of coal, produced by a designated mine, for shipment to a specified consumer in Market Areas 42, 43, 45, or 46.

Upon the same day that such telegram (the "request") is dispatched, or by 11:00 a. m. of the succeeding business day, the Applicant shall supply the Statistical Bureau for District 10 with an affidavit confirming the contents of the request. This affidavit shall specify how long the Applicant has enjoyed the business of the consumer in question, together with the latter's name and location, the type of equipment in which the coal is to be used, the amount of tonnage involved, the name and location of the unregistered dock operator who threatens to take the business, and the price at which it is believed the business can be retained by the Applicant. If the name and location of the unregistered dock operator are unknown to the Applicant, the affiant shall state, so far as he is able to do so, the probably identity and location of such person and the terms of his offer. Such affidavit, if based on knowledge of the affiant, shall so state. If based on information and belief, the affidavit shall state specifically the source of the information, and also the circumstances upon the basis of which the affiant believes the information to be true.

Within twenty-four hours after the "request" is received by the Statistical Bureau for District 10, or as soon thereafter as possible, the Director will notify the Applicant by telegram whether or not the requested reduction may be made. a copy of which telegram of notification will be made available for inspection in the proceeding in the above-entitled matter. If no such telegram is delivered to the Applicant within fifty-four hours presently available, is therefore essen- matically granted and the requested re- or on the basis of which other relief is

tially the same as that of code members | duction may be made. The specifications of time herein exclude Saturday afternoons, Sundays, and legal holidays.

Temporary relief as indicated herein is accordingly granted to the Applicant effective forthwith.

Dated December 5, 1940.

H. A. GRAY, Director.

[F. R. Doc. 40-5409; Filed, December 6, 1940; 2:41 p. m.]

[Docket No. A-354]

SOUTHWESTERN ILLINOIS COAL CORFORA-TION, DISTRICT 10 FOR A REVISION OF THE PRICES ESTABLISHED FOR LOCOMOTIVE FUEL AT MINE INDEX 165

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 7, 1941, at ten o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subposna witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed shall be filed with the Bituminous Coal Division on or before January 2, 1941.

All person are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Southwestern Illinois Coal Corporation requesting a reduction of 20¢ per ton in the minimum prices established at its Streamline Mine, Mine Index 165, District 10, for locomotive fuel sold to Gulf, Mobile and Ohio Railroad.

Dated: December 5, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5408; Filed, December 6, 1940; 2:40 p. m.]

[Docket Nos. A-36, A-147, A-44, A-115, A-259]

PETITION OF DISTRICT BOARD 11 FOR ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED; PETITION OF DISTRICT BOARD 11 FOR ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED; PETITION OF DISTRICT BOARD 11 FOR ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR ENOS COAL MINING COMPANY'S SEVEN STAR MINE: PETITION OF DISTRICT BOARD 11 FOR ESTABLISHMENT OF PRICE CLASSIFI-CATIONS FOR WASHED COAL, SIZE GROUPS 17 to 25, for Mine Index No. 47; Peti-TION OF DISTRICT BOARD 11 FOR ESTAB-LISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 11 NOT HERETO-FORE CLASSIFIED AND PRICED. PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND ORDER OF CONSOLIDATION AND REDESIGNATING TRIAL EXAMINER

The above-entitled matters in Dockets Nos. A-36-Part II, A-147, A-44 and A-115 having been assigned for a consolidated public hearing, before W. A. Shipman, the duly designated Trial Examiner. on January 29, 1941, at 10 o'clock a. m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.; and

The above-entitled matter in Docket No. A-259 having been assigned for pub-

sought. Such petitions of intervention lie hearing, before Charles O. Fowler, the duly designated Trial Examiner, on De- PETITION OF CONSOLIDATION COAL COMcember 6, 1940, at 10 o'clock a.m. (eastern standard time) in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C.;

> Original petitioners having filed a request that the date of hearing in Docket No. A-259 be postponed and that said matter be consolidated with the matters in Dockets Nos. A-36-Part II, A-147, A-44 and A-115; and

It appearing that the matters in Dockets Nos. A-36—Part II, A-147, A-44, A-115 and A-259 all concern the establishment of price classifications and minimum prices for coals produced in District No. 11 not heretofore classified and priced;

It is ordered, That the hearing in Docket No. A-259 be, and the same hereby is, postponed until January 29, 1941, at 10 o'clock a. m. (eastern standard time).

It is further ordered, That the matters in Dockets Nos. A-36—Part II, A-147, A-44, A-155 and A-259 be, and the same hereby are, consolidated.

It is further ordered, That W. A. Shipman be, and he hereby is, designated to preside at the hearing in Docket No. A-259, vice Charles O. Fowler.

Dated: December 6, 1940.

ISEAL

H. A. GRAY, Director.

[F. R. Doc. 40-5442; Filed, December 7, 1940; 11:15 a. m.]

[Dockets Nos. A-137, A-208, A-251]

PETITIONS OF DISTRICT BOARD 14 FOR ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSI-FIED AND PRICED AND FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

CORRECTION OF NOTICE OF POSTPONEMENT OF HEARING

My order dated December 3, 1940, in the above-entitled matter, designated as "Notice of Postponement of Hearing", as published in 5 F. R. 4806, issue of December 5, 1940, stated that the hearing in this matter was postponed until 10 o'clock in the forencon on January 20, 1941. The date to which the hearing was postponed should have read January 22, 1940.

Dated: December 6, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5434; Filed, December 7, 1940; 11:12 a. m.]

[Docket No. A-151]

PANY FOR REVISION OF PRICE INSTRUC-TION No. 4 IN SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK SO AS TO PERMIT SHIPMENT OF OVERSIZED 34" X O COALS FROM MINE No. 120-121 (ACOSTA), MINE INDEX No. 115-116, DISTRICT No. 1

MEMORANDUM OPINION AND ORDER AMENDING THE ORDER DATED OCTOBER 29, 1940, GRANTING TEMPORARY RELIEF

On October 29, 1940, an order was entered in this matter granting temporary relief to the original petitioner, pending final disposition of its petition, permitting it to ship to Bethlehem Steel Corporation, at Bethlehem, Pennsylvania, for by-product use only, from the No. 120-121 (Acosta) Mine, Mine Index No. 115-116, District No. 1, oversized 34" x 0 slack coals prepared at that mine. at a price of \$2.05 per ton f. o. b. transportation facilities at the mine.

Subsequent to the entry of the Order dated October 29, 1940, granting temporary relief in this proceeding, and, pursuant to the Notice of and Order for Hearing, dated October 23, 1940, a hearing on the merits was duly held on November 25, 1940, before an Examiner of the Division. At this hearing there appeared the petitioner, District Board No. 1, and the Consumers' Counsel Division.

The petitioner announced at the beginning of the hearing that it would amend its petition to limit the relief prayed for to coals shipped from its No. 120-121 (Acosta) Mine to Bethlehem Steel Corporation, Bethlehem, Pennsylvania and Aspincok Corporation, Jewett City, Connecticut. The petitioner also amended its petition so as to limit the period of time during which it desired preliminary relief, and asked that the relief be extended to apply to shipments to Aspinook Corporation, Jewett City, Connecticut.

At the close of the hearing the examiner referred the matter to me for further consideration, upon the entire record, as to the granting of further temporary relief.

Evidence was introduced by the petitioner to the effect that subsequent to the holding of the informal conference, and as a result of opposition manifested at said conference, it would install at its tipple for said mine, proper equipment for the preparation of Standard 34" x 0 coals, and that this equipment would, in all probability, be fully installed about, or shortly after, January 1, 1941, after which it would be able to prepare 34" x 0 and would no longer require the relief herein sought.

Further evidence was introduced to show that if petitioner should be denied the right to ship oversized 34" x 0 to the said Bethlehem Steel Corporation and Aspinook Corporation, it would be deprived of the business of these consumers which it had enjoyed for a number of years, which would result in injury and damage to the petitioner.

The petitioner further showed that it was entirely satisfied with the temporary relief heretofore granted as to Bethlehem Steel Corporation, and at the present time was asking for no more than that this relief be extended to apply to shipments to the Aspinook Corporation.

No evidence was introduced in opposition to the relief now requested, and none of the parties appearing at the hearing opposed such relief. On the contrary, Counsel for District Board No. 1 stated that the board had no objection to extending the temporary relief to apply to shipments to the Aspinook Corporation.

It appears, therefore, that the petitioner has shown substantial grounds to warrant the extension of the temporary relief to apply to shipments to the Aspinook Corporation, that no producer petitioner would, in all probability, be materially damaged should such relief be denied.

It is therefore ordered, That the temporary relief granted in the Order dated October 29, 1940, be amended as follows:

The petitioner, Consolidation Coal Company, may ship to Bethlehem Steel Corporation, at Bethlehem, Pennsylvania, for by-product use only; and to Aspinook Corporation, Jewett City, Connecticut; from the No. 120-121 (Acosta) Mine. Mine Index No. 115-116, District No. 1, oversized 34"x 0 slack coals as now prepared at that mine and its crushed coal held to the smallest possible size with the use of available crushing equipment at the mine, at a price of \$2.05 f. o. b. transportation facilities at the mine, any provision of Price Instruction No. 4 of the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck to the contrary notwithstanding;

and in no other respect. The temporary relief thus granted for shipments to Bethlehem Steel Corporation and the Aspinook Corporation shall expire January 15, 1941, or as soon as such equipment is installed in operating condition, whichever is the sooner.

Notice is hereby given that applications to stay, terminate or modify the preliminary or temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

In all other respects said Order of Oc-1shipped to the Paper Company from the tober 29, 1940, as herein amended, shall Berry and Frances Mines represented in remain in full force and effect according to its terms and conditions.

Accordingly, it is so ordered. Dated: December 6, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5440; Filed, December 7, 1940; 11:14 a. m.]

[Docket No. A-302]

PETITION OF FORD COLLIERIES COMPANY, A PRODUCER IN DISTRICT No. 2, FOR REDUC-TION IN EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 7 AND 8 COALS FOR SHIP-MENT INTO MARKET AREA 10

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

The original petition in the aboveentitled matter prays that temporary order be issued granting the relief re-

On November 27, 1940, an informal would be prejudiced thereby, and, that in the above-entitled matter, was held by this Division, pursuant to § 301.106 (d) of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The conference was held upon notice to the District Boards for Districts Nos. 1, 2, 3, 4, 6, 7, and 8; to the Statistical Bureaus for Districts Nos. 1, 2, 3, 4, 6, 7, and 8; to the Consumers' Counsel; and to the petitioner. The district boards were instructed to notify interested persons of this conference, and the statistical bureaus were instructed to post conspicuously the notice of the conference.

Represented at the conference were the original petitioner; W. H. Warner and Company, Inc., sales agents for mines in District 4; Cosco Gas Coal Company, Butler Consolidated Coal Company, P. & G. Coal Company, A. D. Grasso, Elba Coal Company, Clarion Coal Mining Company, producers in District 1; and the District Boards for Districts Nos. 1, 2, 3, and 4.

At the informal conference, the petitioner limited its prayer for temporary relief to shipments from its Berry and Frances Mines to the Hammermill Paper Company (the "Paper Company") in Market Area 10. The temporary relief requested was a 10-cent reduction in the effective minimum prices in Size Groups 7 and 8.

It appears that since 1936 the petitioner has been shipping approximately 60% of its nut and slack to the Paper Company, that for the first nine months of 1940 it shipped on an average of 9,000

1939, 89.4% of its requirements, and for the first nine months of 1940, 81.3% of its requirements. It appears, however, that no coal was shipped in October, 1940 to the Paper Company. The purchasing agent for that company stated that it had ceased purchasing from the petitioner and was now purchasing its requirements from producers in District 3 in Northern West Virginia because it could get coal showing equal plant performance results at a saving of 10 cents per ton. He represented that under open competition he had been able to buy petitioner's coal for less than the District 3 coals. He also stated that if the temporary relief were granted, the company would not entirely discontinue purchases of District 3 coal, but would probably buy 50% or more of the plant's requirements from the petitioner's Berry and Frances Mines because of the fact that the delivery from these mines is quicker and more quested pending final disposition of the reliable than from the more distant District 3 mines. It was represented by the petitioner that unless the temporary reconference concerning temporary relief lief were granted within the next several days, the mines would be blocked off by accumulations of slack and would be required to shut down.

None of the persons or parties represented had any objection to the granting of temporary relief permitting the petitioner to reduce its minimum price ten cents on shipments to the Paper Company, pending final disposition of the petition herein.

The Director is of the opinion that a reasonable necessity has been shown for the temporary relief, that such temporary relief will not prejudice other producers, that there is no opposition thereto, and the temporary relief herein prayed for should be granted and, pending final disposition of the petition herein the petitioner should be permitted to reduce its f. o. b. mine price in Size Groups 7 and 8 by 10 cents for shipments from its Berry and Frances Mines for delivery to the Hammermill Paper Company only at Erie, Pennsylvania, in Market Area 10. In no event, however, should the shipments to the Paper Company, at the temporarily reduced minimum prices provided herein, exceed 80 per cent of the total tonnages purchased monthly by the Paper Company.

The petitioner should notify the Paper Company of the terms and provisions of this order, and any and all sales or deliveries by the petitioner to the Paper Company, pending the final disposition of the petition herein, shall be subject to the terms and conditions of this order.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulatons per month, and that the tonnage tions Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Accordingly, it is so ordered. Dated: December 6, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5444; Filed, December 7, 1940; 11:16 a. m.] -

[Docket No. A-399]

PETITION OF DISTRICT BOARD 8 FOR RE-CLASSIFICATION IN SIZE GROUPS 1-9 AND 18-22 OF QUEEN MARY MINE OF MARY HELEN COAL CORPORATION, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM AND ORDER CONCERNING TEMPORARY RELIEF

Petitioner filed a petition with the Bituminous Coal Division requesting that coal from its Queen Mary Mine be reduced in classification in-

Size Groups 1-4, from "A" to "M". Size Groups 5-6, from "A" to "K". Size Group 7, from "A" to "J". Size Group 8, from "A" to "G". Size Group 9, from "A" to "E". Size Groups 18-21, from "H" to "J".

Petitioner further requested that temporary relief be given in these size groups pending final disposition of the petition. Petitioner also requested a reduction in Size Group 22 from "M" to "N", but subsequently withdrew its request for temporary relief in this size group.

An informal conference was held on December 3, 1940. It was represented that petitioner's Queen Mary Mine, presently classified in the High-Splint seam, is not in fact in the High-Splint seam but is in the No. 10 seam, mined in the adjoining Virginia subdistrict. It was further represented that the caliber of the coal in domestic sizes is similar to that produced by Blue Diamond Coal Company from its Bonny Blue Mine, and in the slack sizes similar to that produced by Blue Diamond Coal Company from its Mayflower Mine.

The Director, having considered the request for temporary relief and the views expressed and data submitted at the informal conference, is of opinion that a reasonable showing of necessity for the granting of the temporary relief has been made and that temporary relief should be granted as sought by the petitioner in its amended request, effective until the final disposition of this petition.

It is so ordered.

Dated: December 6, 1940.

[SEAL]

H. A. GRAY. Director.

[F. B. Doc. 40-5443; Filed, December 7, 1940; 11:16 a. m.]

[Docket No. 1468-FD]

APPLICATION OF COLE FUEL COMPANY, LONDON, LAUREL COUNTY, KENTUCKY, FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the abovenamed party, the Cole Fuel Company;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on Friday, December 20, 1940, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the Rules of Practice and Procedure of the Bituminous Coal Division for such proceedings, setting forth the facts on the basis of which the relief in the original application is supported or opposed. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before Thursday, December 19, 1940.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the application, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this hearing, pending the final disposition of application.

The matter concerned herewith is in regard to the application of the Cole Fuel Company, London, Laurel County, Kentucky, for exemption from the provisions of Section 4 or the first paragraph of Section 4-A of the Bituminous Coal Act of 1937, filed pursuant to the second paragraph of Section 4-A of said Act, upon the alleged grounds that transactions in coal by said Cole Fuel Company in London, Laurel County, and elsewhere in Kentucky, are not in interstate commerce and do not cause any undue or unreasonable advantage, preference, or prejudice as between intrastate commerce in coal on the one hand and interstate commerce in coal on the other hand, or undue, unreasonable, or unjust discriminations against interstate commerce in coal, or in any manner directly affect interstate commerce in coal.

Dated: December 6, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5441; Filed, December 7, 1940; 11:15 a. m.]

[Docket No. A-179]

PETITION · OF OLLIE A. HURLEY, HUGH THORN, ET AL FOR REVISION OF EFFEC-TIVE MINIMUM PRICES OF PRODUCERS IN PUTMAN COUNTY, MISSOURI

ORDER REVISING TEMPORARY RELIEF

Original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above named parties seeking temporary and final orders reducing the effective minimum prices applicable to coals produced by code members in Putnam County, Missouri, (District 15), and shipped by truck; and

Temporary relief having been granted by my order in this proceeding dated October 29, 1940, as follows:

"Commencing forthwith. The effective minimum prices established for code members in Putnam County shipping by truck for sizes in Size Groups 1, 2, 3, 4, and 9 are reduced to 240 cents per net ton"; and

Final hearing in said proceeding having been had before Floyd McGown, an Examiner of the Division, beginning on November 12, 1940, and ending on November 14, 1940, and

Petitioners having moved at said hearing that the temporary relief heretofore granted be modified by further reducing the effective minimum prices applicable to the coals involved in this proceeding to 230 cents per net ton, and

It appearing that a reasonable showing of necessity for such further temporary relief having been made at said final the petition in the above entitled matter,

It is ordered, That the temporary relief heretofore granted be modified, and as so modified, is granted as follows:

Commencing forthwith, and pending the final disposition of the original petition herein, the effective minimum prices established for code members in Putnam County shipping by truck, for sizes in Size Groups 1, 2, 3, 4 and 9, are reduced to 230 cents per net ton.

Dated: December 7, 1940.

ISEAT.

H. A. GRAY, Director.

[F. R. Doc. 40-5436; Filed December 7, 1940; 11:12 a. m.]

[Dockets Nos. A-163 and A-245, A-222, A-368]

PETITIONS OF DISTRICT BOARD 15 FOR ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED; PETITION OF DISTRICT BOARD 15 FOR REVISION OF EFFECTIVE MINIMUM PRICES ESTAB-LISHED FOR COALS PRODUCED BY D. M. BUTLER, MINE INDEX No. 483, A CODE MEMBER PRODUCER IN DISTRICT No. 15; PETITION OF DISTRICT BOARD 15 FOR ESTABLISHMENT OF PRICE CLASSIFICA-TIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT No. 15 Not Heretofore Classified AND PRICED FOR REVISION OF EFFECTIVE MINIMUM PRICES FOR THE COALS OF CERTAIN OTHER MINES IN DISTRICT NO. 15. Pursuant to Section 4 II (d) of THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING AND ORDER OF CONSOLIDA-TION AND REDESIGNATING TRIAL EXAMINER

The above-entitled matters in Dockets Nos. A-163 and A-245 having been assigned for a consolidated hearing, before Charles O. Fowler, the duly designated Trial Examiner, on December 9, 1940, at 10 o'clock a. m. (eastern standard time); and

The above-entitled matters in Dockets Nos. A-222 and A-368 having been assigned for a public hearing, before Floyd McGown, the duly designated Trial Examiner, on December 17, 1940, at 10 o'clock a. m. (eastern standard time): and

Original petitioners having filed a request that the date of hearing in Dockets Nos. A-163 and A-245 be postponed and that said matters be consolidated with the matters in Dockets Nos. A-222 and A–368; and

It appearing that the matters in Dockets Nos. A-163, A-245, A-222 and A-368; raise analogous issues;

It is ordered, That the hearing in Dockets Nos. A-163 and A-245 be, and the same hereby is, postponed until December 17, 1940, at 10 o'clock a.m. (eastern the Bituminous Coal Division, 734 Fifteenth Street N.W., Washington, D. C. should be postponed to a later date:

It is further ordered, That the matters | in Docket Nos. A-163, A-245, A-222 and matter entitled Docket No. A-338 be postconsolidated.

It is further ordered, That Floyd Mc-Gown be, and he hereby is, designated to preside at the hearing in Dockets Nos. A-163 and A-245, vice Charles O. Fowler.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5438; Filed, December 7, 1940; 1:13 a. m.]

[Docket No. A-286]

PETITION OF DISTRICT BOARD 9 FOR REVI-SION OF EFFECTIVE MINIMUM PRICES FOR SIXTH VEIN COALS OF DISTRICT 9, IN SIZE GROUP 15, PURSUANT TO SECTION 4 II (d) of the Bituminous Coal Act of 1937

NOTICE OF AND ORDER POSTPONING HEARING AND ORDER OF SEVERANCE

The original petitioner in the aboveentitled matter having shown cause why the hearing therein, heretofore set for December 12, 1940, with the matters in Docket Nos. A-285 and A-335, by Orders of the Director dated November 13, 1940, and November 19, 1940, should be severed from the matters in Docket Nos. A-285 and A-335 and be postponed to a later date:

It is ordered, That the matter entitled Docket No. A-286 be severed from the matters entitled Docket Nos. A-285 and A-335 and that the hearing in Docket A-286 be postponed from December 12, 1940, until 10 o'clock in the forencon of January 22, 1941, before the Examiner heretofore designated, or any other officer or officers of the Division duly designated to preside at said hearing at a hearing room of the Bituminous Coal Division. 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5437; Filed, December 7, 1940; 11:13 a. m.]

[Docket No. A-338]

PETITION OF BLACK HAWK COAL CORPO-RATION FOR REVISION OF EFFECTIVE MINIMUM PRICES FOR MINE INDEX 10, DISTRICT 11, IN SIZE GROUP 27, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOSTFONING HEARING

The original petition in the above-entitled matter having shown reasonable cause why the hearing therein, heretostandard time) in a hearing room of fore set for December 10, 1940, by Order of the Director dated November 19, 1940,

It is ordered, That the hearing in the A-368 be, and the same hereby are, poned from December 10, 1940, until 10 o'clock in the forencon of February 27. 1941, before the Examiner heretofore designated, or any other officer or officers of the Division duly designated to preside at said hearing, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held.

Dated: December 7, 1940.

H. A. GRAY, Director.

[F. R. Doc. 40-5439; Filed, December 7, 1940; 11:14 s. m.l

[Docket No. A-353]

PETITION OF DISTRICT BOARD NO. 9 FOR REVISION OF MINIMUM PRICES FOR MINE Index Nos. 28, 40, 45, 60, 67, 76, 79, 80 AND 81 FOR SHIPMENT TO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONSENTING TO WITHDRAWAL OF PETITION

Upon the request of petitioner, District Board No. 9, the Director consents to the withdrawal of its petition and to the dismissal of the proceedings in this Docket, and

It is so ordered.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY. Director.

[F. R. Doc. 40-5435; Filed, December 7, 1940; 11:12 a. m.]

[General Docket No. 18.]

PROMULGATING ORDERS REQUIRING THE MAINTENANCE AND SUBMISSION OF DATA CONCERNING THE PREPARATION. COST. SALE AND DISTRIBUTION OF BITUMINOUS

ORDER ESTABLISHING THE PROCEDURE TO BE FOLLOWED BEFORE THE DIRECTOR IN THE ABOVE-ENTITLED MATTER.

Pursuant to an Order of the Director dated September 14, 1940, the aboveentitled proceedings were instituted for the purpose of receiving evidence relating to the necessity for and the reasonableness of certain proposed Orders identified as Exhibits A, B, and C, attached to the Order for and the Notice of a Hearing thereon, which hearing was held before an Examiner of the Division on October 1 to October 4, 1940, both dates inclusive, and

The Examiner, having submitted to the Director his Report with Proposed Findings of Fact and Recommended Orders in the premises, now on file in the Offices of the Division, 734 15th Street NW., Washington, D. C., and copies thereof having been mailed to all parties

who entered their appearances in this above-entitled matters on November 22, proceeding, and made available for inspection by all interested parties at the Offices of the Division in Washington, D. C., and at each of the Statistical Bureaus of the Division.

It is ordered. That exceptions to the said Report, Findings of Fact and Recommended Orders of the Examiner may be filed with the Director of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., by interested parties on or before the 24th day of December 1940. Any such exceptions may be accompanied by a brief in support thereof.

Service of the aforesaid exceptions and briefs upon all other parties in General Docket No. 18 shall not be required. Copies of the same will be available for inspection by interested parties at the Offices of the Division, 734 15th Street NW., Washington, D. C., and any party shall, upon request, furnish to any other party in General Docket No. 18 a copy of any document which he has filed.

If any provision of this Order conflicts. with any provision of the "Rules of Practice and Procedure before the Division", heretofore adopted and ratified, the provisions of this Order shall govern.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5456; Filed, December 9, 1940; 11:14 a.m.]

[Docket Nos. A-365, A-366]

PETITIONS OF THE PITTSBURGH COAL COM-PANY, A CODE MEMBER IN DISTRICT NO. 2. FOR: (1) CHANGES IN MINIMUM PRICES ESTABLISHED FOR THE COALS OF Its Champion #1, Montour #9, Mon-TOUR #10, MIDLAND, LINDLEY AND SOLAR MINES WHEN SHIPPED FOR RAILROAD FUEL USE; AND, (2) FOR CHANGES IN MINIMUM PRICES ESTABLISHED FOR THE COALS OF ITS CHAMPION #1, MIDLAND, ARNOLD, MONTOUR #9, SOMERS AND SOLAR MINES WHEN SHIPPED FOR RAIL-ROAD FUEL USE TO THE LEHIGH VALLEY RAILROAD, DELAWARE, LACKAWANNA AND WESTERN RAILROAD, READING RAILROAD, DELAWARE AND HUDSON RAILROAD AND ANN ARBOR RAILROAD

MEMORANDUM OPINION AND ORDER CONCERN-ING TEMPORARY RELIEF-

The original petitions in the aboveentitled matters pray that a temporary order be issued granting the relief requested pending final disposition of the matters.

The Director by order dated November 27, 1940, scheduled a final hearing in the above-entitled matters to be held on December 11, 1940, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington,

1940, pursuant to the Rules and Regulations of the Division Governing Practice and Procedure in 4 II (d) Proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for. Represented at the informal conference were the original petitioners, District Board No. 1, District Board No. 2, District Board No. 3, District Board No. 8, The Christopher Coal Company, Christopher Mining Company, Keppers Coal Company, Berwind White Coal Mining Company, Keystone Coal and Coke Company, Irwin Gas Coal Company, Rochester and Pittsburgh Coal Company, Pursglove Coal Mining Company, Sitnek Fuel Company and Consumers' Counsel Division.

In Docket A-365 the petitioner seeks the privilege of selling, at the mine run price of \$2.05 per ton, coals produced from its mines located in the Panhandle-Avella Subdistrict of District No. 2 to the Pennsylvania Railroad, Erie Railroad and New York Central Railroad from which 4", 6" or 8" block havé been removed and the resultant coals further modified by removing a portion of the 11/8" x 0 slacks sufficient to obtain a product consisting of 65% of plus 11/8" egg coal and 35% of 11/8" x 0 slack coals. It was represented at the informal conference that the resultant 65%-35% mixture contains approximately the same percentage of 11/8" x 0 slacks as straight mine run coal produced from petitioner's mines located in the Panhandle-Avella Subdistrict; that petitioner prior to establishment of minimum, prices has shipped said railroads substantial quantities of the 65%-35% mixture and that said mixture has been sold at the prevailing mine run price; that said railroads have refused to purchase from the petitioner 4", 6" or 8" resultant mine run coals, but have required, in lieu of the 65%-35% mixture heretofore supplied, that the petitioner crush its mine run coals down to 4", 6" or 8" resultant; that this practice results in a loss of revenue to the petitioner of \$400 to \$500 per day, because of the loss in revenue which otherwise would be derived from the sale of 4", 6" or 8' lump coals at the higher prices applicable on coals sold for other uses; that certain of petitioner's mines located in the Panhandle-Avella Subdivision are not equipped so as to crush mine run coal down to 4", 6" or 8" resultants in quantities sufficient to supply said railroads and that if petitioner is permanently required to crush mine run coal down to 4", 6" and 8" resultants it will necessitate the installation of crushing equipment and additional conveying equipment at considerable capital expenditure. At the informal conference representatives of District Board No. 1, District Board No. 3, District Board No. 8 and certain code members objected to the granting of the temporary relief requested by the petitioner and, in general, An informal conference, upon notice requested that if the temporary relief to interested parties, was held in the prayed for by petitioner is granted that

the same privilege be extended to the code members represented by them; however, there was no representation made by these parties that the code members represented by them have in the past prepared or sold to the Pennsylvania, Erie and New York Central Railroads a 65%-35% mixture at the mine run price. as the petitioner stated it has done, and there was no substantial showing that code members in Districts 1, 3 and 8 would be injured if the relief sought by the original petitioner were granted, pending final disposition of the petition in this matter.

The Director finds with respect to Docket A-365 that petitioner has made an adequate showing of actual or impending injury in the event that temporary relief, as hereinafter provided, is not granted and further that the granting of temporary relief, as hereinafter provided, will not unduly prejudice other interested persons in advance of a final determination of the matters. Accordingly, pending final disposition of the above entitled matter, petitioner should be permitted to sell at the mine run price of \$2.05 per ton, to the Pennsylvania, New York Central and Erie Railroads, mine run coal from which 4", 6" or 8" lump has been removed and the resultant thereof further modified by removing therefrom so much of 11%" slack as is necessary to maintain in the product so furnished 65% of 11%" egg coal and 35% of 1%" slack coal.

In Docket No. A-366, petitioner seeks a reduction of 20¢ per ton in the minimum price established for lump and double screened coal and mine run coal for its Champion No. 1, Midland, Arnold, Montour No. 9, Somers and Solar Mines on shipments for railroad fuel use to the Lehigh Valley; Delaware, Lackawanna and Western; Reading; Delaware and Hudson, and Ann Arbor Railroads. The effective minimum price for the above-named mines is \$2.20 per ton for lump and double screened coals and \$2.05 per ton for mine run coal. Petitioner requests that these prices be reduced to \$2.00 per ton and \$1.85 per ton respectively.

The attorneys for petitioner have advised the Director by telegram that petitioner intends immediately to file a motion seeking withdrawal of its original petition in Docket A-366. In view of that circumstance, no disposition of the prayer for temporary relief in Docket A-366 will be made at this time.

Notice is hereby given that applications to stay, terminate or modify the preliminary or temporary relief granted in this order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure under section 4 II (d) of the Bituminous Coal Act of 1937.

Accordingly, it is so ordered.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY. Director.

[F. R. Doc. 40-5457; Filed, December 9, 1940; 11:14 a. m.]

[Docket No. A-367]

PETITION OF THE WHEELING TOWNSHIP COAL MINING COMPANY FOR A REVISION OF CLASSIFICATIONS AND PRICES OF COALS SOLD FOR INDUSTRIAL STEAM USE IN SIZE GROUPS 5-7 IN MARKET AREAS 4, 5, 7, 9-22, 98 AND 99, AND SOLD IN SIZE GROUPS 1-8 FOR EXPORT TO CANADIAN RAILROADS IN MARKET AREAS 4, 21, 98 AND 99, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING AND CHANGING DESIGNATION OF EXAMINER

The petitioner in the above-entitled matter having filed a request that the hearing thereon, heretofore scheduled for December 9, 1940, be postponed until December 19, 1940; and

There being no opposition to such re-

It is ordered. That the hearing in Docket No. A-367 be postponed until December 19, 1940, at 10 a. m., in a room to be designated by the Chief of the Records Section, Room 502, 734 Fifteenth Street, NW., Washington, D. C.

It is further ordered, That Floyd Mc-. Gown shall conduct said hearing in place of the Examiner designated in the original notice of and order for hearing. In all other-respects the original notice of and order for hearing shall remain in full force and effect.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5459; Filed, December 9, 1940; 11:14 a. m.]

[Docket No. A-370]

-PETITION OF DISTRICT BOARD 10 FOR ESTAB-LISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR RAIL SHIPMENT OF COALS OF CERTAIN MINES HERETOFORE CLASSIFIED AND PRICED ONLY FOR TRUCK SHIPMENTS

ORDER GRANTING TEMPORARY RELIEF

A petition pursuant to the Bituminous Coal Act of 1937 has been duly filed with this Division by the above-named party, and a hearing in the above-entitled matter has been set by an Order of the Director for December 20, 1940, in Springfield, Illinois.

The matters concerned herewith are in regard to the petition of District Board 10 for the establishment of price classifications and minimum prices for shipment by rail of coals of Black Eagle Coal Company, D & D Coal Company, Little Coal Company, Peaco Coal Company, Pekin Coal Mining Company, Rawalt Coal Company, Sunnyside Coal Company, and Thermal Coal Company, the coals of six of which mines have heretofore been classified and priced only for shipment by truck. The price classifications and minimum prices requested by petitioner for Black Eagle Coal Company and Little Coal Company have heretofore been established by Orders of the Director the Federal Register August 14, he Granting Temporary Relief in Docket amended to read as follows:

Nos. A-332 and A-194, and are not considered in this order.

It is further ordered, That a reasonable showing of the necessity therefor having been made, pending final disposition of the petition in the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the coals referred to in the schedule hereto annexed, marked "Temporary Schedule", and made part hereof, shall be subject to minimum prices as provided in said Temporary Schedule.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: December 7, 1940.

[SEAL]

H. A. GRAY, Director.

[F. R. Doc. 40-5458; Filed, December 9, 1940; 11:14 a. m.]

General Land Office.

AND MODIFICATION OF GRAZING DISTRICT No. 2

DAHO

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, U.S.C., title 49, sec. 214, that the following-described tract of public land in Idaho be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Boise Meridian

T. 6 S., R. 14 E., sec. 11, SE¦4NE!4, 40 acres.

And, so far as it affects the above-described land, the departmental order of November 3, 1936, creating Idaho Grazing District No. 2, is hereby modified and made subject to the withdrawal effected by this order.

E. K. BURLEW, Acting Secretary of the Interior. NOVELIBER 26, 1940.

[F. R. Doc. 40-5411; Filed, December 7, 1940; 10:08 a. m.]

Grazing Service.

AMENDMENT TO ORDER ESTABLISHING GRAZING DISTRICT NO. 5 IN THE STATE OF COLORADO, APPROVED AUGUST 7, 1940

It is hereby ordered that the final paragraph appearing in the order establishing Colorado Grazing District No. 5, approved August 7, 1940, and printed in

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the Federal Register, except that no part of such lands will be subject to the provisions of section 8, paragraphs (b), (d), (e), and (f) of said Code, relating to grazing fees, until December 1, 1941.

E. K. BURLEW, Acting Secretary of the Interior. DECEMBER 4, 1940.

[F. R. Doc. 40-5415; Filed, December 7, 1940; 10:09 a.m.]

AMENDMENT TO MODIFICATION, COLORADO GRAZING DISTRICT No. 3, APPROVED SEP-TEMBER 27, 1940

It is hereby ordered that the final paragraph appearing in the order of modification of Colorado Grazing District No. 3, approved September 27, 1940, and printed in the Federal Register October 8, 1940, be amended to read as follows:

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the AIR NAVIGATION SITE WITHDRAWAL No. 147 | Federal Register, except that no part of such lands will be subject to the provisions of section 8, paragraphs (b), (d), (e), and (f) of said Code, relating to grazing fees, until December 1, 1941.

> E. K. BURLEW, Acting Secretary of the Interior.

DECEMBER 4, 1940.

[F. R. Doc. 40-5414; Filed, December 7, 1940; 10:09 a. m.l

AMENDMENT TO ORDER ESTABLISHING GRAZ-HIG DISTRICT NO. 7 AND MODIFYING GRAZING DISTRICTS NOS. 1 AND 3 IN THE STATE OF COLORADO, APPROVED ON OC-TOBER 12, 1940

It is hereby ordered, That the final paragraph appearing in the order establishing Colorado Grazing District No. 7 and modifying Colorado Grazing Districts Nos. 1 and 3, approved October 12, 1940, and printed in the FEDERAL REGISTER on October 22, 1940, be amended to read as follows:

The Federal Range Code, as revised, shall be effective as to the lands embraced herein, including the lands not previously a part of any grazing district. from and after the date of the publication of this order in the FEDERAL REGISTER, except that the lands not previously a part of a grazing district will not be subject to the provisions of section 8. paragraphs (b), (d), (e), and (f) of said Code, relating to grazing fees, until December 1, 1941.

E. K. BURLEW, Acting Secretary of the Interior. DECEMBER 4, 1940.

[F. R. Dcc. 40-5413; Filed, December 7, 1940; 10:03 a. m.]

GRAZING DISTRICT No. 5, APPROVED No-**VEMBER 7, 1940.**

It is hereby ordered. That the final paragraph appearing in the order of modification of Nevada Grazing District No. 5, approved November 7, 1940, be amended to read as follows:

The Federal Range Code, as revised, shall be effective as to the lands embraced herein, including the lands not previously a part of the grazing district, from and after the date of the publication of this order in the Federal Register, except that the lands not previously a part of the grazing district will not be subject to the provisions of section 8, paragraphs (b), (d), (e), and (f) of said Code, relating to grazing fees, until December 1, 1941.

E. K. BURLEW, Acting Secretary of the Interior. DECEMBER 4, 1940.

[F. R. Doc. 40-5416; Filed, December 7, 1940; 10:09 a. m.]

MODIFICATION

COLORADO GRAZING DISTRICTS NOS. 3 AND 7

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, et seq.), as amended, commonly known as the Taylor Grazing Act, the following-described land, now embraced within Colorado Grazing District No. 7, is hereby excluded from Colorado Grazing District No. 7 and added to Colorado Grazing District-No. 3, effective upon the date of publication of this order in the FEDERAL REGISTER:

Colorado

UTE PRINCIPAL MERIDIAN

T. 4 S., R. 3 E., all; T. 3 S., R. 2 E., that part in Delta County.

E. K. BURLEW,

Acting Secretary of the Interior. **DECEMBER 4. 1940.**

[F. R. Doc. 40-5417; Filed, December 7, 1940; 10:09 a.m.]

NEVADA GRAZING DISTRICT No. 4

MODIFICATION

Corrections-

F. R. Doc. 40-5230 (filed, November 30, 1940, at 9:54 a. m.), appearing at page 4763 of the issue for Tuesday, December 3, 1940, should be corrected as follows:

First paragraph, second line: "48 Stat. 1629" should read "48 Stat. 1269."

Land description, third column: "Thence west on the Mount Diablo Base Line to the southwest corner of sec. 34, T. 1 N., R. 64 E.;" should read "Thence

AMENDMENT TO MODIFICATION, NEVADA | West on the Mount Diablo Base Line to | Order Designating the Memphis Merthe southeast corner of sec. 34, T. 1 N., R. 64 E.;". -

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

PUERTO RICAN SUGARCANE WAGES AND PRICES

-NOTICE OF CHANGE IN DATE OF HEARING

The public hearing in regard to wages and fair prices for the 1941 crop of sugarcane in Puerto Rico, originally scheduled to be held at San Juan, Puerto Rico, on December 10, 1940, will be held at the same place on January 7, 1941, at 9:00 a. m., and the notice of such hearing issued by the Secretary of Agriculture on November 29, 1940, is hereby amended accordingly.

Done at Washington, D. C., this 9th day of December 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 40-5472; Filed, December 9, 1940; 11:50 a. m.]

Commodity Exchange Administration. ORDER DESIGNATING THE CHICAGO OPEN BOARD OF TRADE AS A CONTRACT MARKET FOR SOYBEANS

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. and Sup. V, secs. 1-17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Claude R. Wickard, Secretary of Agriculture, do hereby designate the Chicago Open Board of Trade, of Chicago, Illinois, as a contract market for soybeans under the Commodity Exchange Act, as amended, effective December 8, 1940, said Board of Trade having applied for, and having otherwise complied with the conditions imposed by said act precedent to, such designation. Said designation is subject hereafter to suspension or revocation in accordance with the provisions of said act: Provided, That for the purpose of such suspension or revocation, such designation and the order issued by the Acting Secretary of Agriculture on October 24, 1922, designating the said Board of Trade as a contract market under the provisions of the Grain Futures Act, shall constitute a single designation.

Done at Washington, D. C., this 7th day of December 1940. Witness my hand and the seal of the Department of Agriculture,

[SEAL] CLAUDE R. WICKARD, Secretary of Agriculture.

[F. R. Doc. 40-5471; Filed, December 9, 1940; 11:50 a. m.]

CHANTS EXCHANGE CLEARING ASSOCIATION AS A CONTRACT MARKET FOR COTTONSEED MEAL AND SOYBEAN MEAL

Pursuant to the authorization and direction contained in the Commodity Exchange Act, as amended (7 U.S.C. and Sup. V, secs. 1-17a), and as further amended by the act of Congress, approved October 9, 1940 (Public Law No. 818, 76th Cong.), I, Claude R. Wickard, Secretary of Agriculture, do hereby designate the Memphis Merchants Exchange Clearing Association, of Memphis, Tennessee, as a contract market for cottonseed meal and soybean meal under the Commodity Exchange Act, as amended, effective December 8, 1940, said association having applied for, and having otherwise complied with the conditions imposed by said act precedent to, such designation. Said designation is subject hereafter to suspension or revocation in accordance with the provisions of said act.

Done at Washington, D. C., this 7th day of December, 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

CLAUDE R. WICKARD. Secretary of Agriculture.

[F. R. Doc. 40-5470; Filed, December 9, 1940; 11:49 a. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTY OF ROUTT, STATE OF COLORADO, IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 23, 1940, loans made in Routt County, Colorado, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with provisions of those rules and regulations. There follow a description of the localities and the determination of value for each of these localities:

Locality I: Precinct Numbers 4, 6, 7, 9, 13, 17, 20, and 22. Value: \$6,561.

Locality II: Precinct Number 2. Value, \$8,394.

Locality III: Precinct Numbers 3, 5, 14,

15, 18, and 19. Value: \$4,091. Locality IV: Precinct Numbers 1, 10. 21. and 23. Value: \$5,639.

Locality V: Precinct Numbers 8, 11, 12, and 16. Value: \$5,215.

Approved December 5, 1940.

[SEAL]

C. B. BALDWIN, Administrator.

[F. R. Doc. 40-5447; Filed, December 7, 1940; 11:33 a. m.]

15 F. R. 2668.

Rural Electrification Administration. 1 [Administrative Order No. 543] ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 30, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation: Michigan 1042G1 Mason. Amount \$240,000 Minnesota 1063E1 Scott. 96,000 Pennsylvania 1025B1 Adams___ 150,000

HARRY SLATTERY, Administrator.

[F. R. Doc. 40-5446; Filed, December 7, 1940; 11:33 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. SA-26]

INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 31161 AND INDIANA NATIONAL GUARD AIRCRAFT, MODEL BC-1A, WHICH OCCURRED NEAR INDIANAPOLIS, INDIANA, ON NOVEMBER 29, 1940.

NOTICE OF HEARING

Notice is hereby given that a public hearing in connection with the above entitled matter will be held in Rooms 225 and 227, Post Office Building, Indianapolis, Indiana, at 9:30 a.m. (C. S. T.), Wednesday, December 11, 1940, before the undersigned Examiner.

Dated, Washington, D. C., December 4th, 1940,

> HENRY L. KNIGHT, Examiner.

[F. R. Doc. 40-5420; Filed, December 7, 1940; 10:10 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 73]

DESIGNATING THE TERRITORIAL REPRESEN-TATIVE OR THE ACTING TERRITORIAL REP-RESENTATIVE OF PUERTO RICO AS AU-THORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL CER-TIFICATES FOR THE EMPLOYMENT OF HANDICAPPED WORKERS, AND TO CANCEL SUCH SPECIAL CERTIFICATE

By virtue of, and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Philip B. Fleming, Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint the territorial representative or the acting territorial representative of Puerto Rico as my au-

and authority to grant or deny applica- | for payment to the trapper or collector, ployment of handicapped workers, and to sign, issue and cancel special certificates authorizing the employment of handicapped workers pursuant to the provisions of section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29, Labor, Chapter V, Wage and Hour Division, Part 524.

Signed at Washington, D. C., this 28 day of November 1940.

> PHILIP B. FLEMING, Administrator.

[F. R. Doc. 40-5462; Flied, December 9, 1940; 11:36 a. m.l

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION THAT THE RAW FUR RECEIVING INDUSTRY IS A SEA-SONAY, INDUSTRY

Whereas applications having been made by the Raw Fur and Wool Association and sundry other parties under section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Regulations, Part 526, as amended, issued thereunder, for partial exemption of the raw fur receiving industry from the maximum hours provisions of section 7 (a) of said Act pursuant to section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a public hearing on said applications was held on September 5, 1940, before Harold Stein, the representative of the Administrator duly authorized to take testimony, hear argument and determine whether or not the raw fur receiving industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder: and

Whereas following such hearing the said Harold Stein duly made his findings of fact and determined as follows:

- 1. The legal trapping season in the United States and Canada varies with different animals and from state to state or province to province, and may be longer or shorter than the season in which the pelts are prime but, in any event, the natural season, when the pelts are prime, does not exceed six months. Except for an insubstantial amount, probably less than 5 percent of the total, all the new catch of fur is taken and shipped from the country to the raw fur receiving houses between the first of December and the end of March:
- 2. The raw furs are received each year in the chief fur trading centers, of which New York and St. Louis are the most important, during the trapping season, i. e., from about November 25 to about March 15, by employers known in the trade as raw fur "receiving houses." In these houses the furs are immediately graded, and, when necessary, scraped, dried or otherwise handled. The prompt initial thorized representative, with full power grading is necessary: (1) to set a basis tion were duly filed with the Administra-

tions for special certificates for the em- and (2) to determine which skins need scraping, drying or other handling for preservation. Skins that have not been properly handled are perishable; skins that have been properly handled are not perishable;

- 3. The majority of the furs received are also sold by the receiving houses during the period December to April but some skins are sold during the balance of the year. Aside from these sales, and aside from an insubstantial amount of trading in raw furs as dealers with other dealers and receivers, the receiving houses cease operation on or about March 15 each year because the materials they handle, i. e., the annual domestic catch of fur, are no longer available in the form in which they must be handled, i. e., as new prime pelts in the primary state, requiring inspection and, in many cases, scraping, drying, and other handling, until the following November 25 or thereabouts, because of climate and other natural factors:
- 4. The business of the raw fur receiving houses constitutes a specialized function not performed by other fur dealers or processors, with specialized employees and the raw fur receiving industry is a branch of an industry and of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder:
- 5. "Raw fur receiving houses," as used herein shall include any establishment which during any raw fur season namely from November 25, in any year to March 15, in the succeeding year, both dates inclusive, purchases or receives on consignment, domestic raw furs in the primary state, as herein defined, on which furs all but an insubstantial amount of their labor is employed during such raw fur season, as evidenced by the fact that the total purchase price or consigned price of the primary fur equals at least 75% of the total purchase price of all raw furs purchased by such establishment during such raw fur season;
- 6. The term "raw fur receiving industry" as used herein, shall include the receipt, accounting or handling in raw fur receiving houses as herein defined, of domestic raw furs in the primary state;
- 7. The terms "domestic furs" or "domestic raw furs," as used herein, shall include United States and Canadian furs:
- 8. The term "raw furs in the primary state" as used herein shall mean all domestic furs which require prompt handling, in order to determine their grade and their need for further treatment. before they can be purchased, stored. sold or reconsigned as "raw furs";
- 9. The term "handling" as used herein, shall include opening, counting, spreading, examining, grading, sorting, nailing, valuing, scraping, stretching, drying, packing, preserving or other related processes; and

Whereas said Findings and Determina-

on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties.

Now, therefore, pursuant to the provisions of § 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 2d day of December 1940.

> PHILIP B. FLEMING, Administrator.

[F. R. Doc. 40-5463; Filed, December 9, 1940; 11:36 a. m.l

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof. Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940. (5 F.R. 3591)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940. 65 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940. (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940. (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940. (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940. (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940. (5 F.R. 3392, 3393)

Textile Determination and Order, November 8, 1939 (4 F.R. 4531), as amended, April 27, 1940. (5 F.R. 1586)

Woolen Learner Regulations, October 30, 1940. (5 F.R. 4302)

these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective December 9, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Cer-| Pennsylvania; Apparel; Men's Separate | Coat Fronts; 5 learners (75% of the ap-

tor on November 27, 1940, and are now | tificate. - Any person aggrieved by the | Trousers; 5 learners (75% of the appliissuance of any of these Certificates cable hourly minimum wage); December may seek a review or reconsideration 9, 1941. thereof.

> NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EX-PIRATION DATE

> Ashland Manufacturing Company, 78 Ashland Avenue, West Orange, New Jersey; Apparel; House Dresses; 12 learners (75% of the applicable hourly minimum wage); April 7, 1941.

> Bangor Clothing Company, Inc., 7th Street, Bangor, Pennsylvania; Apparel; Men's Clothing; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

> Bangor Clothing Company, Inc., Roseto & Franklin Streets, Roseto, Pennsylvania; Apparel; Men's Clothing; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

> The Berry Garment Manufacturing Company, 422–424 North Kansas Street, Columbus, Kansas; Apparel; Overalls and Jumpers; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

> Biberman Brothers, Inc., 200 Maryland Avenue, Wilmington, Delaware; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

> Broom and Newman, Second Avenue and Langford Street, Asbury Park, New Jersey; Apparel; Pajamas and Shirts; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

> Cameron & Company, Inc., 2321 Oak Street, Napa, California; Apparel; Men's & Boys' Cotton Shirts, Ladies' . Man-Styled Shirts, Slacks, Dressmakers' Ensembles; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

> Central Wash Suit Company, Inc., 116 North Broad Street, Peekskill, New York; Apparel; Washable Service Apparel; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Samuel Coane Company, 232–248 North 11th Street, Philadelphia, Pennsylvania; Apparel; Athletic Clothing; 4 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Elv & Walker Sportswear-& Outerwear Plant, Delmar and East "B" Street, Belleville, Illinois; Apparel; Sport Coats and Outerwear; 25 learners (75% of the applicable hourly minimum wage); April 7, 1941.

Foster Brothers Sportswear Company, The employment of learners under Inc., 21st and Hunting Park Avenue, Philadelphia, Pennsylvania; Apparel; Sportswear & Odd Outerwear, Beachwear; 50 learners (75% of the applicable hourly minimum wage); April 28, 1941,

William F. Fretz and Son, Bedminster, Pennsylvania; Apparel; Men's Separate Trousers; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

William F. Fretz and Son, Doylestown,

William F. Fretz and Son. Pipersville, Pennsylvania; Apparel; Men's Separate Trousers; 5 learners (75% of the applicable hourly minimum wage); December 9. 1941.

Happ Brothers Company, Broadway at Pine Street, Macon, Georgia; Apparel; Single Pants; 5 percent (75% of the applicable hourly minimum wage): December 9, 1941.

The H. Harris Company, 174-178 East 4th Street, St. Paul, Minnesota: Apparel; Sportswear and Odd Outerwear; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941,

Casey Jones, Inc., Elkton, Virginia; Apparel; Cotton Work Clothing; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Casey Jones, Inc., 2311 Adams Ave., Huntington, West Virginia; Apparel; Cotton Work Clothing and Coveralls; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Casey Jones, Inc., Luray, Virginia; Apparel; Cotton Work Clothing; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Casey Jones, Inc., Mt. Jackson, Virginia; Apparel; Cotton Work Clothing; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Casey Jones, Inc., Shenandoah, Virginia; Apparel; Cotton Work Clothing; 5 learners (75% of the applicable hourly minimum wage) ; December 9, 1941.

Casey Jones, Inc., Woodstock, Virginia; Apparel; Cotton Work Clothing; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Linda Lee Manufacturers, Inc., 350 Douglas Road, Coral Gables, Florida: Apparel; Dress Ensembles and Children's Wear; 5 learners; (75% of the applicable hourly minimum wage); December 9, 1941.

"Little Lady" Lingerle Company, 308 Twelfth Street, Oakland, California; Apparel; Children's Underwear and Sleeping Wear; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Louisville Cap Company, 624 West Main Street, Louisville, Kentucky; Apparel; Caps; 2 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Mutual Garment Company, Washington, Missouri; Apparel; Ladies' Slips, Pajamas and Nightgowns; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; Apparel; Slack Suits and Separate Skirts; 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Quaker Coat Front Company, S. E. Cor. 13th and Callowhill Streets, Philadelphia, Pennsylvania; Apparel; Canvas plicable hourly minimum wage); December 9, 1941.

Ratner Manufacturing Company, 533 F Street, San Diego, California; Apparel; Men's Wool Trousers, Men's Wool Jackets; 3 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Reliance Manufacturing Company, Sixteenth Street, Tyrone, Pennsylvania; Apparel; Men's Cotton Work Shirts, Men's Cotton Work Pants; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Royal Manufacturing Company, Alburtis, Pennsylvania; Apparel; Shirts, Shorts, Jockeys; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Royal Undergarment Company, Inc., Mohawk Street, Cohoes, New York; Apparel; Underwear and Nightwear; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Salant & Salant, Incorporated, Parsons, Tennessee; Apparel; Cotton Work Pants: 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

The Standard Overall Company, Chase City, Virginia; Apparel; Work Shirts; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

The Sterling Company, 1723 North Washington Street, Kokomo, Indiana; Apparel; Dresses-Buckles and Buttons used thereon, Nightwear-woven fabrics; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Stone Manufacturing Company, 154 River Street, Greenville, S. C.; Apparel; Sun Suits, Aprons, Slips, Panties, Infant's Dresses; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Watertown Undergarment Corporation, 196 Mill Street, Waterbury, Connecticut; Apparel; Slips and Panties; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Waxahachie Garment Company, Waxahachie, Texas; Apparel; Shirts and Pants; 5 percent (75% of the applicable hourly minimum wage); December 9, 1941.

Wear Well Underwear Company, Incorporated, 87 Brunswick Street, Jersey City, New Jersey; Apparel; Ladies' Woven Underwear: 5 learners (75% of the applicable hourly minimum wage); December 9, 1941.

Ackshand Knitting Co., Inc., South Street, Ballston, New York; Glove; Knit Wool Gloves; 5 percent; December 9, 1941.

Ackshand Knitting Co., Inc., Broad Street, Schuylerville, New York; Glove; · Knit Wool Gloves; 5 percent; December 9. 1941.

Aris Gloves, Inc., Phair Street. Gloversville, New York; Glove; Leather Gloves; 5 learners; December 9, 1941.

Bacmo Postman Corporation, 18-24 ana; Knitted Wear; Knitted Underwear; Third Avenue, Gloversville, New York; 19 learners; June 2, 1941. Glove; Leather Dress Gloves; 5 learners; December 9, 1941.

The Glove Corporation, 301 North Harrison Street, Alexandria, Indiana; Glove; Work Gloves; 15 learners; June 9, 1941.

The Glove Corporation, 301 North Harrison Street, Alexandria, Indiana; Glove; Work Gloves; 5 learners; December 9, 1941.

Glovecraft Inc., North Perry Street, Johnstown, New York; Glove; Leather Dress Gloves; 3 learners; December 9, 1941.

Ireland Brothers, 27 West State Street, Johnstown, New York; Glove; Leather Dress Gloves: 5 learners: December 9.

The Alden Mills, Meridian, Mississippi; Hosiery; Seamless; 5 percent; December 9, 1941.

Claussner Hosiery Company, 2nd and Tennessee Streets, Paducah, Kentucky; Hosiery; Full-Fashioned; 5 percent; December 9, 1941.

Claussner Hosiery Company, 28th and Adams Streets, Paducah, Kentucky: Hosiery; Full Fashioned; 5 percent; December 9, 1941.

Crown Hosiery Mills, Inc., 426 South Hamilton Street, High Point, North Carolina; Hosiery; Seamless; 5 percent; December 9, 1941.

Culpepper Hosiery Mills, Danville, Virginia; Hosiery; Seamless; 3 learners; December 9, 1941.

Francis-Louise Full Fashion Mills, Valdese, North Carolina; Hoslery; Full Fashioned; 5 learners; December 9, 1941.

Granite Hosiery Mills, Inc., 38 Green Street, Souderton, Pennsylvania; Hosiery; Full Fashioned; 5 percent; December 9, 1941.

Inagain Hoslery Mills, Dover, Delaware; Hosiery; Full Fashioned; 5 learners; December 9, 1941.

LaReine Hosiery Mills, Inc., Zeeland, Michigan; Hosiery; Full Fashioned; 5 learners: December 9, 1941.

Marietta Hosiery Company, Ruffin Street, Burlington, North Carolina; Hosiery; Seamless and Full Fashioned; 5 learners; December 9, 1941.

Marl Tex Hosiery Mills, R. D. #1 Pennsburg, Pennsylvania; Hosiery; Full Fashioned; 2 learners; December 9, 1941.

Pickwick Hosiery Mills, Inc., Corinth, Mississippi; Hosiery; Full Fashioned; 15 learners; August 9, 1941.

Unique Knitting Company, Acworth, Georgia; Hosiery; Seamless; 10 learners; August 9, 1941.

Unique Knitting Company, Acworth, Georgia; Hosiery; Seamless; 5 percent; December 9, 1941.

Whitehall Knitting Mills, Inc., Mount Holly, North Carolina; Hosiery; Full

Constance Street, New Orleans, Louisi- tive December 9, 1940.

19 learners; June 2, 1941.

Clobe Knitting Works, 315 Commerce Avenue, S. W., Grand Rapids, Michigan; Knitted Wear; Knitted Underwear; 15 learners; December 9, 1941.

Maurice Holman, Inc., 228 South Los Angeles Street, Los Angeles, California; Knitted Wear; Sweaters; 5 learners; December 9, 1941.

International Knitting Mills, 53 Parker Street, Wallingford, Connecticut: Knitted Wear; Knitted Outerwear; 5 learners; December 9, 1941.

Watertown Undergarment Corporation, 196 Mill Street, Waterbury, Connecticut; Knitted Wear; Knitted Underwear 5 percent; December 9, 1941.

The American Thread Company, Fifth and Cedar Street, Bristol, Tennessee; Textile; Thread Finishing; 3 percent; December 9, 1941.

Carolina Mills, Inc., Maiden, North Carolina; Textile; Cotton Yarns; 3 percent; December 9, 1941.

Dana Warp Mills, Bridge Street, Westbrook, Maine; Textile; Cotton, Rayon Yarn; 3 percent; December 9, 1941.

Mallison Braided Cord Company, R. F. D. #3, Athens, Georgia; Textile; Braided Cords, Web Back Bands; 3 learners; December 9, 1941.

Piedmont Silk Mills, Inc., Bruce Street. Greensboro, North Carolina; Textile; Silk and Rayon Throwing; 5 learners; December 9, 1941.

Superba Mills, Inc., Hawkinsville, Georgia; Textile; Towels; 25 learners; March 17, 1941.

Union Manufacturing Company, Union Point, Georgia; Textile; Cotton, Rayon Yarns: 3 percent: December 9, 1941.

Claussner Hosiery Company, 11th & Jefferson Streets, Paducah, Kentucky; Textile; Processing of Silk Yarn; 5 learners; December 9, 1941.

Lincolnsfield Mills, West Broadway, Lincoln, Missouri; Woolen; Worsted Men's Wear and Uniform Cloth; 3 percent; December 9, 1941.

Signed at Washington, D. C., this 9th day of December 1940.

> GUSTAV PECK. Authorized Representative of the Administrator.

[F. R. Doc. 40-5464; Filed, December 9, 1940; 11:36 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5b of the Regulations Fashioned; 5 percent; December 9, 1941. Issued thereunder (August 16, 1940, 5 F.R. American Mfg. Corporation, Inc., 1052 2862) to the employers listed below effecthese Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUM-BER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Flowers Baking Company, Inc., Thomasville, Georgia; Bakery; 2 learners; 12 weeks for any one learner; 25 cents an hour; Bench Hand, Bakery; April 1, 1941.

The H. L. Huff Manufacturing Co., 821 Court St., Huntington, West Virginia; Candy Manufacturer; 1 learner; 4 weeks for any one learner; 25 cents per hour; Stick Candy Striper; February 17, 1941.

Signed at Washington, D. C., this 9th day of December 1940:

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 40-5465; Filed, December 9, 1940; 11:36 a.m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF NORTH CAROLINA

The Unemployment Compensation Commission of the State of North Carolina having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the North Carolina unemployment compensation law, and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

- (1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code; and
- .(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with

The employment of learners under the provisions of section 1602 (a) (3) less Certificates is limited to the terms of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of North Carolina; Provided, That said findings shall not be construed to be applicable with respect to the conditions of section 1602 (a) (3) of the Internal Revenue Code, as amended, effective January 1, 1942.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER,

Chairman. .

DECEMBER 3, 1940.

Approved:

PAUL V. McNutt,
Administrator.

DECEMBER 5, 1940.

[F. R. Doc. 40-5445; Filed, December 7, 1940; 11:22 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4239]

IN THE MATTER OF HARRY HINDLEMANN, TRADING AS ASSOCIATED TAILORS, AND AS ASSOCIATED DENVER TAILORS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIONNY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41);

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 16, 1940, and be continued on Thursday, December 19, 1940, at nine o'clock in the forenoon of both days (mountain standard time) in Room 322, Post Office Building, Denver, Colorado.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 40-5460; Filed, December 9, 1940; 11:33 a.m.]

[Docket No. 4272]

In the Matter of Joseph H. Kevorkian, Joseph D. Kevorkian, and Louis Stone, Individually and as Co-Partners, Trading as Stomar Manufacturing Company

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41);

It is hereby ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, December 16, 1940, at ten o'clock in the forenoon of that day (eastern standard time) in Room 3050, Federal Building, Ninth and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

Otis B. Johnson, Secretary.

[F. R. Doc. 40-5461; Filed, December 9, 1940; 11:33 a, m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 59-18]

IN THE MATTER OF THE MIDDLE WEST COR-PORATION CENTRAL AND SOUTH WEST UTILITIES COMPANY AND AMERICAN PUB-LIC SERVICE COMPANY RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1940.

The Commission having examined the corporate structures of the registered holding company, The Middle West Corporation, and of the subsidiary companies thereof, particularly Central and South West Utilities Company and American Public Service Company, also registered holding companies, the relationships of these companies in the holding company system of The Middle West Corporation, the character of the interests thereof, and

the properties owned or controlled thereby, and the Commission having reasonable grounds to believe that:

(1) As of November 30, 1939, the capitalization of Central and South West Utilities Company, a corporation organized under the laws of the State of Delaware, consisted of the following securities:

Capital stock	Amount	Percent
\$7 prior lien preferred, 117,400 shares outstanding (stated value \$96,827 per share). \$6 prior lien preferred, 11,500 shares outstanding (stated value \$92 per share). \$7 preferred, 133,150 shares outstanding (stated value \$91.93 per share). Common stock, 3,371,232 shares	\$11, 367, 526 1, 058, 000 12, 240, 182	43.14 4.01 46.45
outstanding (50¢ par value per share)	1, 686, 241	6.40
Total capitalization	26, 351, 949	100.00

(2) As of November 30, 1939, The Middle West Corporation owned securities of Central and South West Utilities Company as shown below:

Capital stock	Number of shares	Percent of class
\$7 prior lien preferred\$6 prior lien preferred\$7 preferred\$7 preferred\$7	53, 610 • 11, 500 • 73, 711 2, 057, 679	45.66 100 55.38 61.04

(3) Dividends on the \$7 and the \$6 Prior Lien stocks were paid regularly from date of issuance to December 31, 1931. Dividends on the preferred stock were also paid regularly up to the latter date. In the year 1932 one-eighth of the regular annual rate was paid on each issue of Prior Lien stock and on the Preferred stock. No dividends were paid thereafter on the Prior Lien stock until December 1936 when one-fourth of the regular rate was paid on each issue. Full dividends were paid on each issue of Prior Lien stock in the years 1937 to 1939 inclusive. No dividends have been paid on the Preferred stock since 1932. As of November 30, 1939 the accumulated unpaid dividends on the prior lien and preferred stock of Central and South West Utilities Company were as follows:

	Total ar- rearages	Arrearages per share
\$7 prior lien preferred	\$3, 732, 342	\$31.79
\$6 prior lien preferred	313, 375	27.25
\$7 preferred	7, 262, 223	54.54

(4) By reason of the failure to pay dividends on the prior lien preferred and preferred stock as described in paragraph 3 above, all of the prior lien preferred and preferred stock of Central and South West Utilities Company has acquired voting rights as prescribed by the certificate of incorporation of that company, namely one vote per share of stock.

(5) As of November 30, 1939, the distribution of voting power among the various classes of stockholders of Central and South West Utilities Company was as follows:

	Vetes	Percent
S7 prior lien preferred steek	117,430 11,530 133,130 1,331,332	8888 4888
Total	3,633,232	100.00

(6) As of November 30, 1939, the capitalization of American Public Service Company, a corporation organized under the laws of the State of Delaware, consisted of the following securities:

	Amount	Percent
Capital stock: 7 percent preferred stock, 79,746 shares (par valua S160 per share) Common stock (par valua S50 per share) 69,424. Total	\$7,974,600 7,714,720 15,632,320	51 49 100

(7) As of November 30, 1939, Central and South West Utilities Company and The Middle West Corporation owned securities of American Public Service Company as follows:

	The Middla West Cerpina- tion		West Corpora- tion South W		West
Class of securities	Shares	Per- cent of class	Shores	Per- cent of class	
7 percent preferred stock	09, 421 0	47.4	63,166	69.72	

(8) Dividends on the Preferred stock of American Public Service Company were paid regularly from 1916 to 1931 inclusive. In the year 1932 one-fourth of the regular rate was paid. No dividends were paid on the Preferred stock in the years 1933 to 1935 inclusive. Since 1935 the company has paid irregular amounts on the Preferred stock. As of November 30, 1939, the accumulated unpaid dividends on the 7% preferred stock amounted to \$44.67 per share or a total of \$3,561,988.

(9) By reason of the failure to pay preferred dividends as described in paragraph 8 above, all of the preferred stock of American Public Service Company has acquired voting rights as prescribed by the certificate of incorporation of that company, namely one vote per share of stock.

(10) As of November 30, 1939, the distribution of voting power among the classes of stockholders of American Public Service Company was as follows:

	Number of shares	Percent
7 percent preferred	79, 745 96, 434	45.8 54.2
Tetal	176, 170	100.0

And the Commission having reasonable grounds to believe that:

(11) The Middle West Corporation was organized under the laws of the State of Delaware on the 21st day of November 1935, as a successor company to The Middle West Utilities Company, in reorganization under Section 77B of the Bankruptcy Act, and acquired the assets of such company as of November 27, 1935.

(12) Between the 27th day of November 1935, and the 30th day of November 1939, The Middle West Corporation acquired through market purchases securities of Central and South West Utilities Company and American Public Service Company at an aggregate cost as follows:

	Number of shares	Aggregate cost
Central and South West Utili- ties Co.: 57 prior lien preferred. 57 preferred. American Public Servico Co.: 7 percent preferred.	31,807 41,935 23,331	\$2,811,870 2,121,192 1,503,209

Upon its organization The Middle West Corporation acquired 11,500 shares of \$6 prior lien preferred stock of Central and South West Utilities Company, which stock The Middle West Utilities Company had acquired at a cost of \$1,058,000 or \$92 per share.

(13) On and after the 27th day of November 1935, The Middle West Corporation by reason of prior lien and preferred dividend arrearages, large annual dividend requirements, the existence of deficits in the earned surplus accounts (Central and South West Utilities Company \$22,535,422 and American Public Service \$1,754,357) and inadequate income to meet prior lien and preferred stock dividend requirements with respect to Central and South West Utilities Company and American Public Service Company came to the conclusion that a reorganization of these two companies was then desirable and eventually inevitable because under such conditions these companies would not be able to meet any future additional capital requirements nor make unrestricted use of their income. The Middle West Corporation also recognized that any reorganization, if effected on a fair and equitable basis and in accordance with legal priorities, would result in the voting power of the reorganized company or companies being vested in the holders of the prior lien and preferred stocks of Central and South West Utilities Company and the preferred stock of American Public Service Company outstanding prior to such reorganization.

(14) As of November 27, 1935, The Middle West Corporation owned, among securities of other companies, securities of Central and South West and American Public Service as follows:

Central and South West Utilities Co.:	
\$7 prior lien	20, 236
\$6 prior lien	16,500
87 preferred	24, 599
Common 1,	768, 410
American Public Service Co.:	•
7% preferred	1,910
Common (owned by C. & S. W. U.	
Co.)	96, 166

(15) Between November 27, 1935 and November 30, 1939, and by reason of the acquisitions described in paragraph 12 above, The Middle West Corporation increased its ownership of the total voting power attaching to the prior lien and preferred stocks of Central and South West Utilities Company from 19.5% to 52.6%. Between the same dates it increased its ownership of the voting power attaching to the preferred stock of American Public Service from 2.4% to 47.4%.

(16) Between the dates of November 27, 1935, and November 30, 1939, The Middle West Corporation exercised a controlling influence over the policies and management of Central and South West Utilities Company and American Public Service Company and the respective subsidiary companies thereof.

(17) Between the dates of November 27, 1935 and November 30, 1939, Central and South West Utilities Company exercised a controlling influence over the policies and management, either directly or indirectly, of Southwestern Gas and Electric Company, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Light & Power Company, American Public Service Company and West Texas Utilities Company.

(18) Between the dates of November 27, 1935, and November 30, 1939, the principal source of income of Central and South West Utilities Company was securities of American Public Service Company, Southwestern Gas & Electric Company, Central Power and Light Company and Public Service Company of Oklahoma.

(19) Between the dates of November 27, 1935 and November 30, 1939, the principal source of income of American Public Service Company was securities of West Texas Utilities Company and Public Service Company of Oklahoma.

(20) Subsequent to the dates of the acquisitions described in paragraph 12 above. Central and South West Utilities Company and American Public Service Company have been paying, and The Middle West Corporation has been receiving, dividends, as the same have been declared, on the securities so acquired.

(21) The securities acquired as described in paragraph 12 above had a stated value and an involuntary liquidation value as follows:

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	Aggregato stated or par value	Aggregate involuntary liquidation value plus dividend to Nov. 30, 1939
Central and South West Utilities Co.: \$7 prior lien \$6 prior lien \$7 preferred American Public Service Co. 7 percent preferred	\$3, 079, 776 1, 058, 000 4, 130, 785 2, 338, 100	\$4, 210, 452 1, 463, 375 6, 970, 542 3, 629, 900

And the Commission having reason to believe that:

(22) The corporate structures and/or continued existence of Central and South West Utilities Company and American Public Service Company unduly and unnecessarily complicate the structure and unfairly and inequitably distribute voting power among the security holders of the holding company system of The Middle West Corporation.

(23) Voting power is unfairly and inequitably distributed among the respective security holders of Central and South West Utilities Company and American Public Service Company.

Wherefore, it is ordered, That, pursuant to section 11(b)(2) of the Public Utility Holding Company Act of 1935, a hearing shall be held at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N.W., Washington, D. C., on the 6th day of January, 1941, at 10:00 o'clock in the forencon of that day to determine (1) whether the allegations of paragraphs 1 through 23 inclusive are true and accurate: (2) what action or steps, if any, are necessary and shall be required to be taken by The Middle West Corporation, Central and South West Utilities Company and/or American Public Service Company to insure that the corporate structures and/or continued existence of Central and South West Utilities Company and/or American Public Service Company do not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among the security holders of the holding company system of The Middle West Corporation: (3) what action or steps, if any, are necessary and shall be required to be taken by Central and South West Utilities Company and/or American Public Service Company to insure that voting power is not unfairly and inequitably distributed among the respective security holders of Central and South West Utilities Company and American Public Service Company; and (4), if, in order to insure that the corporate structure and/or continued existence of Central and South West Utilities Company and/or American Public Service do not unduly or unnecessarily complicate the structure or unfairly or inequitably distribute voting power among the security holders of the holding company system of The Middle

West Corporation and to insure that voting power is not unfairly and inequitably distributed among the respective security holders of Central and South West Utilities Company and American Public Service Company, it is necessary that the Commission order disposition of the assets of Central and South West Utilities Company and/or American Public Service in accordance with a fair and equitable reorganization plan.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, not, less than twenty days prior to the date hereinbefore fixed as the date of hearing; and that notice of said hearing is hereby given to The Middle West Corporation; Central and South West Utilities Company, and American Public Service Company, the security holders and consumers of said companies, all States, municipalities, and political divisions of States within which are located any of the utility assets of any of said companies, or under the laws of which any of said companies are incorporated, all State commissions, State security commissions and all agencies, authorities, or instrumentalities of any one or more States, municipalities or other political sub-divisions having jurisdiction over any of said companies or over any of the businesses, affairs or operations of any of said companies; that such notice shall also be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than twenty days prior to the date hereinbefore fixed as the date of hearing; and

It is ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 26th day of December, 1940, his request or application therefor as provided by Rule XVII of the Rules of Practice.

By the Commission.

FRANCIS P. BRASSOR, [SEAL] Secretary.

[F. R. Doc. 40-5433; Filed, December 7, 1940; 11:10 a, m.1

[File No. 60-9] IN THE MATTER OF

METROPOLITAN EDISON COMPANY ORDER RELATING TO DIVIDEND PAYMENTS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of December, A. D., 1940.

The Commission having entered an order pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, that the Metropolitan Edison Company show cause why the Commission should not enter an order preventing the declaration or payment of further dividends to protect the financial integrity of the Metropolitan Edison Company, to safeguard the working capital of Metropolitan Edison Company, to prevent the payment of dividends out of capital or unearned surplus of the Metropolitan Edison Company, and to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations and orders thereunder:

A hearing having been held thereon before a trial examiner, trial examiner's report having been waived, briefs having been submitted to the Commission; and the Company having consented to the entry of this order:

The Commission having considered the record and briefs and being fully advised in the premises and having this day filed its findings and opinion, and finding that the declaration or payment of dividends by the Metropolitan Edison Company on the common stock would impair the financial integrity of that company;

It is ordered, That the Metropolitan Edison Company be, and it hereby is forbidden to declare or pay any dividend on its common stock until it has accumulated \$4,279,561.67 in its earned surplus or effectively increased its capital by that

It is further ordered, That the records in this case be held open and that the Commission reserve jurisdiction in the premises after notice to Metropolitan Edison Company and opportunity for hearing to modify this order as may be deemed appropriate or necessary with the right also reserved to the Company to petition for such modifications.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 40-5430; Filed, December 7, 1940; 11:09 a. m.]

[File No. 70-194]

IN THE MATTER OF LONE STAR GAS COR-PORATION, THE DALLAS GAS COMPANY, COUNTY GAS COMPANY, COMMUNITY NATURAL GAS COMPANY

ORDER FOR HEARING

and Exchange Commission held at its Commission thereunder.

office in the City of Washington, D. C., on the 6th day of December, A. D. 1940.

been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named persons, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-8 under said Act; and

It appearing to the Commission that it is appropriate and in the public interest and the interests of investors and consumers that a hearing be held with respect to said declarations and applications and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that, at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 8, 1941, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing if in respect of any declaration, cause shall be shown why such declarations shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rule of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications or declarations particular attention will be directed at said hearing to the following matters and questions:

- 1. Whether the Commission shall take action under section 15 (f) of the Act to prescribe any accounting entries to be made by Lone Star Gas Corporation, The Dallas Gas Company, Community Natural Gas Company, or County Gas
- 2. Whether the consideration to be paid for the securities and assets is reasonable, and bears a fair relation to the sums invested in, or earning capacity of, such assets or the underlying assets.
- 3. Whether the terms and conditions of the sale of the assets are detrimental to the public interest or the interest of investors or consumers, or will tend to circumvent the provisions of the Act, or At a regular session of the Securities any rules, regulations or orders of the

- 4. Whether the acquisition of the assets, or securities, will be detrimental to Declarations and applications having the public interest, or the interest of investors or consumers.
 - 5. The composition and nature of the account proposed to be set up on the books of the acquiring company and entitled "Other Reserves."
 - 6. What if any conditions respecting the acquisition of the assets or securities or the issuance of securities are necessary or appropriate in the public interest or for the protection of investors or consumers, or to assure compliance with section 7 of the Act.
 - 7. Whether all proposed actions to be taken comply with the requirements of the Public Utility Holding Company Act of 1935, and all rules and regulations promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, Secretary.

[P. R. Doc. 40-5431; Filed, December 7, 1940; . 11:03 a.m.l

[File No. 70-200]

IN THE MATTER OF PROVINCETOWN LIGHT AND POWER COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1940.

Provincetown Light and Power Company, a subsidiary of New England Gas and Electric Association, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding the exemption from section 6 (a) of said Act of the issue and sale of 2,800 shares of additional common stock of the par value of \$100 per share to aggregate \$280,000;

Said application having been filed on November 16, 1940, and notice of said filing having duly been given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

This Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application pursuant to Section 6 (b) of said Act and finding with respect thereto that the requirements of Section 6 (b) of said Act are satisfied;

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of sald Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid application be and hereby is granted forthwith.

By the Commission, Commissioner Healy dissenting for the reasons stated in his memorandum of April 1, 1940.

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 40-5432; Filed, December 7, 1940; 11:09 a. m.]

[File No. 31-494]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, baving been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 17, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 14, 1940.

The matter concerned herewith is in regard to an application for exemption pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 and Rule U-3A-1 promulgated thereunder, by Manufacturers Trust Company, and every subsidiary company thereof as such, from any and all provisions of said Act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Recording Secretary.

[F. R. Doc. 40-5449; Filed, December 9, 1940; 11:11 a. m.l

[File No. 812-1]

IN THE MATTER OF TRUSTEED ESTATES OF WASHINGTON

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1940.

An application under section 6 (c), 27 (b), and 38 (a) of the Investment Company Act of 1940 having been duly filed with the Commission by the above named applicant for an order or orders granting (1) a temporary exemption from the provisions of the Investment Company Act of 1940 insofar as the said provisions may or do affect applicant, (2) an exemption from the provisions of sections 27 (a) (1), 27 (a) (3), and 27 (c) (2) of the said Act to the extent deemed just and reasonable by the Commission, and (3) a determination and classification pursuant to section 38 (a) of the Act with respect to the status of the applicant and the relationship of such applicant with a certain group of securities purchased on behalf of investors by said applicant;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 20, 1940 at 2:00 o'clock in the afternoon of that day at Room 563, General Post Office, 315 West Pershing Road, Kansas City, Missouri. After the commencement of such hearing the same may be continued by the trial examiner, and such continued hearing may be held at the same or such other place as the trial examiner may designate.

It is further ordered, That Henry Fitts or any other officer or officers of the Commission designated by it for that purpose, preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 42 (b) of the Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named party and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 40-5450; Filed, December 9, 1940; 11:11 a. m.]

[File: No. 812-9]

IN THE MATTER OF TRUSTEED ESTATES OF OREGON

NOTICE OF AND ORDER FOR HEARING

office in the City of Washington, D. C., on the 7th day of December, A. D. 1940.

An application under sections 6 (c), 27 (b), and 38 (a) of the Investment Company Act of 1940 having been duly filed with the Commission by the above named applicant for an order or orders granting (1) a temporary exemption from the provisions of the Investment Company Act of 1940 insofar as the said provisions may or do affect applicant, (2) an exemption from the provisions of sections 27 (a) (1), 27 (a) (3), and 27 (c) (2) of the said Act to the extent deemed just and reasonable by the Commission, and (3) a determination and classification pursuant to section 38 (a) of the Act with respect to the status of the applicant and the relationship of such applicant with a certain group of securities purchased on behalf of investors by said applicant;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 20, 1940 at 10:00 o'clock in the forencon of that day at Room 563, General Post Office. 315 West Pershing Road, Kansas City, Missouri. After the commencement of such hearing the same may be continued by the trial examiner, and such continued hearing may be held at the same or such other place as the trial examiner may designate.

It is further ordered, That Henry Fitts or any other officer or officers of the Commission designated by it for that purpose, preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 42 (b) of the Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named party and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DUBOIS. Recording Secretary.

[F. R. Doc. 40-5451; Filed, December 9, 1940; 11:11 a. m.]

[File No. 70-208]

IN THE MATTER OF STANDARD POWER AND LIGHT CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1940.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any inter-At a regular session of the Securities ested person may, not later than Deand Exchange Commission, held at its cember 26, 1940 at 4:30 P. M., E. S. T., or Saturday, request the Commission in | company, proposes to acquire from writing that a hearing be held on such Southwestern Electric Company, also a matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the amount thereof, plus accrued interest, Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The applicant wishes to exchange \$150,000 principal amount of notes and debentures of Standard Gas and Electric Company, for 8,700 shares of common stock of San Diego Gas & Electric Company owned by Standard Gas and Electric Company, pursuant to a certain plan of exchange filed by the latter company.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 40-5452; Filed, December 9, 1940; 11:11-a. m.]

[File No. 70-206]

. IN THE MATTER OF SOUTHWESTERN ELEC-TRIC COMPANY AND TEXAS-NEW MEXICO UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1940.

Notice is hereby given that declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than December 20, 1940 at 4:30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations, as filed or as amended, may become effective as provided in Rule U-8 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declarations which are on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Texas-New Mexico Utilities Company, a subsidiary of Community Power and Utility Holding Company Act of 1935, 1102 will advise as to the room where

subsidiary of Community Power and Light Company, for cash at the principal \$20,600 principal amount of General Mortgage Bonds, Series A, 5%, of New Mexico Utilities Company (which have been assumed by Texas-New Mexico Utilities Company). The Trust Indenture under which the aforesaid Bonds are issued provides for a sinking fund hearing will be held. At such hearing, for such Bonds in the amount of \$10,300 annually. Texas-New Mexico Utilities Company proposes to acquire the aforesaid Bonds for delivery to the Indenture Trustee for cancellation and retirement in order to satisfy the sinking fund requirements for November 1, 1940, and November 1, 1941.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 40-5453; Filed, December 9, 1940: 11:12 a. m.]

[File No. 70-57]

IN THE MATTER OF SOUTH CAROLINA UTIL-ITIES COMPANY AND WALNUT ELECTRIC & GAS CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1940.

The above-named parties having filed an application, and amendments thereto, pursuant to sections 10 (a) (1) and 12 (d) of the Public Utility Holding Company Act of 1935, requesting approval of the sale of the utility assets, properties, and business of South Carolina Utilities Company: and

The Commission being now advised by the said applicants that the transactions as proposed in said application, and amendments, will not be consummated and that accordingly the applicants request the withdrawal of said application;

The Commission hereby consents to the withdrawal of the application above named and to that effect

It is so ordered.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Recording Secretary.

[F. R. Doc. 40-5454; Flied, December 9, 1940; 11:12 a. m.]

[File No. 31-439]

IN THE MATTER OF GREAT NORTHERN GAS COMPANY, LIMITED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1940. Avenue NW., Washington, D. C. On

1:00 P. M., E. S. T., if such date be a Light Company, a registered holding having been duly filed with this Commission by the above-named party;

> It is ordered. That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 26, 1940, at 9:50 o'clock in the forencon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such if in respect of any declaration, cause shall be shown why such declaration shall become effective.

> It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

> Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 23, 1940.

> The matter concerned herewith is in regard to a request of Great Northern Gas Company, Limited, that an exemption from certain provisions of the Act. heretofore granted it by order of the Commission entered December 2, 1938, and which expires on December 31, 1940, be extended for such time as the Commission shall deem proper.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[P. R. Doc. 40-5467; Filed, December 9, 1940; 11:44 a.m.]

[File No. 31-437]

IN THE MATTER OF SOUTHERN UTILITIES COMPANY, LIMITED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on December 26, 1940, at 9:40 o'clock in the forencon of that day, at the Securities and Exchange Building, 1778 Pennsylvania An application pursuant to the Public such day the hearing-room clerk in room

such hearing will be held. At such | only in Washington, D. C., it nevertheless hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 23, 1940.

The matter concerned herewith is in regard to a request of Southern Utilities Company, Limited, that an exemption from certain provisions of the Act, heretofore granted it by order of the Commission entered December 2, 1938, and which expires on December 31, 1940, be extended for such time as the Commission shall deem proper.

By the Commission. .

[SEAL]

Francis P. Brasson, Secretary.

[F. R. Doc. 40-5466; Filed, December 9, 1940; 11:44 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, NOVEM-BER 30, 1940

Important. Although the apportioned classified Civil Service is by law located

includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of posi- tions oc- cupied		
IN ARREARS				
1. Virgin Islands 2. Puerto Rico 3. Hawaii 4. Alaska 5. California 6. Texas 7. Louisiana 8. Michigan 9. Arizona 10. South Carolina 11. Mississippi 12. Arkansas 13. Georgia 14. Alabama 15. Kentucky 16. Ohio 17. New Jersey 18. North Carolina 19. New Mexico 20. Oklahoma 21. Nevada 22. Tennessee 23. Illinois 24. Wisconsin 25. Indiana 26. Vermont 27. Florida 28. Rhode Island 29. Pennsylvania 30. Connecticut 31. New York 31. New York 32. Missouri	28 868 747 924 45 205 848 877 24 25 25 25 25 25 25 25 25 25 25 25 25 25	0 48 19 1003 1, 239 1, 202 113 483 6003 562 889 813 811 2, 074 1, 270 1, 058 841 1, 270 1, 375 1666 3155 4, 444 7, 750 5, 879 1, 705		

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. State	Number of posi- tions to which entitled	Number of posi- tions occupied	Not gain or loss sinco July 1, 1940
			· · · · · · · · · · · · · · · · · · ·
, IN	EXCESS		ŧ
33. Minnesota. 34. Delaware 35. Colorado	1, 209 112 489 816 2100 376 2, 201 450 219 887 321 1, 165 650 108 1, 142	1, 231 115 501 220 238 396 2, 121 482 238 337 482 238 337 1, 233 200 2, 104 2, 100	-01 -103 -143 +123 +128 +128 +138 +148 +143 -141 -141 -141 -141
52. Maryland. 53. District of Columbia	770 230	2, 100 8, 023	‡13 ‡55
			<u>' </u>
	GAINS		
By appointment			3
	OSSES		
By separation			1
Note: Number of empositions who are excluded in the second of the second	ployees oc ided from to VII, and 25, 1934.	cupying apt the appo the Atto 17,385.	pportioned ortionment rney Gen-

pinion of August 25, 1934, 17,385. Total appointments, 58,850.

By direction of the Commission.

[SEAL]

L. A. MOYER, Executive Director and Chief Examiner.

[F. R. Doc. 40-5448; Filed, December 9, 1941; 9:51 a. m.1